

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 1171. An act to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; with amendment (Rept. No. 1461). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 10136. A bill for the relief of William Marks; with amendment (Rept. No. 1459). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 11850. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; without amendment (Rept. No. 1460). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 675. A bill for the relief of Ada T. Finley; with amendment (Rept. No. 1462). Referred to the Committee of the Whole House.

Mr. FITZGERALD: Committee on Claims. H. R. 2059. A bill for the relief of Kate Canniff; with amendment (Rept. No. 1463). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 4166. A bill for the relief of Steve Fekete; without amendment (Rept. No. 1464). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on War Claims. H. R. 4167. A bill for the relief of D. B. Traxler; with amendment (Rept. No. 1465). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7339. A bill for the relief of H. H. Lee; without amendment (Rept. No. 1466). Referred to the Committee of the Whole House.

Mr. HOPKINS: Committee on War Claims. H. R. 9946. A bill for the relief of Annie M. Eopolucci; without amendment (Rept. No. 1467). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 10635. A bill for the relief of the Robins Dry Dock & Repair Co.; without amendment (Rept. No. 1468). Referred to the Committee on the Whole House.

Mr. IRWIN: Committee on Claims. S. 1378. An act for the relief of Juan Anorbe, Charles C. J. Wirz, Rudolph Ponevacs, Frank Guelfi, Steadman Martin, Athanasios Metaxiotis, and Olaf Nelson; without amendment (Rept. No. 1469). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 6902) for the relief of John W. Hudson, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLIGAN: A bill (H. R. 12396) to provide for the appointment of an additional district judge for the western district of Missouri; to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 12397) to amend certain sections of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, so as to modify the penalties for offenses against the currency of foreign countries to conform to the penalties provided for offenses against the currency of the United States; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. IRWIN: A bill (H. R. 12398) for the relief of Thomas G. Hayes; to the Committee on Claims.

Also, a bill (H. R. 12399) for the relief of Jay Street Terminal; to the Committee on Claims.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12400) granting an increase of pension to Martha B. Balsley; to the Committee on Invalid Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12401) granting an increase of pension to Louise Pearson; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7275. Resolution of the commandery, Military Order of the Loyal Legion of the United States, New York, urging the passage of legislation to establish a national Lincoln museum and veterans' headquarters in the building known as the Ford Theater; to the Committee on the District of Columbia.

7276. By Mr. COOPER of Wisconsin: Memorial of common council of the city of Milwaukee, urging modification of the liquor laws; to the Committee on the Judiciary.

7277. Also, memorial of common council of the city of Milwaukee, urging the construction of a Gulf-to-Lakes waterway and opposing certain provisions of House bill 11781; to the Committee on Rivers and Harbors.

## SENATE

FRIDAY, May 16, 1930

The Chaplain, Rev. Z<sup>c</sup>Barney T. Phillips, D. D., offered the following prayer:

Almighty God, whose wondrous name is love, we thank Thee for the night's mysterious gift of the timely dew of sleep and for morning fair, who, with pilgrim steps marked by the circling hours, unbars the gates of light. Call us, therefore, by that secret name which unlocks the heart as we realize Thy presence. Forgive the sins which crowd into our mind that we may see golden days fruitful of golden deeds with love and joy triumphant. Stir us with high hopes of living to be brave and noble men, dear unto Thee and worthy of the Nation's trust, that hidden powers may come to light and yield their service to Thy kingdom. Through Jesus Christ our Lord. Amen.

## THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Fess and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Ashurst	George	McCulloch	Simmons
Baird	Gillett	McKellar	Smoot
Barkley	Glass	McMaster	Steck
Bingham	Glenn	McNary	Steiwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Blease	Hale	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Thomas, Okla.
Brock	Hastings	Patterson	Townsend
Broussard	Hatfield	Pine	Trammell
Capper	Hawes	Pittman	Tydings
Caraway	Hayden	Ransdell	Vandenberg
Connally	Hebert	Reed	Wagner
Copeland	Howell	Robinson, Ark.	Walcott
Couzens	Johnson	Robinson, Ind.	Walsh, Mass.
Dale	Jones	Robson, Ky.	Walsh, Mont.
Deneen	Kendrick	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Fess	King	Shipstead	Wheeler

Mr. McMASTER. I desire to announce that my colleague the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from South Carolina [Mr. SMITH] are detained from the Senate by illness.

Mr. BLACK. I desire to announce that my colleague the senior Senator from Alabama [Mr. HEFLIN] is necessarily detained in his home State on matters of public importance.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

# REPUBLICAN PRIMARIES IN PENNSYLVANIA—SENATOR JOSEPH R. GRUNDY

Mr. NORRIS. Mr. President, I ask unanimous consent to insert in the RECORD a political advertisement appearing in the Philadelphia Record of May 14, 1930, in behalf of the candidacy of JOSEPH R. GRUNDY, who is seeking the nomination for United States Senator on the Republican ticket. I wish to read only one of the assertions appearing in the advertisement, which I think will be illuminating to the Senate and to the country. Among other things in the course of giving reasons why JOSEPH R. GRUNDY should receive the nomination the advertisement says:

Because within three months after his appointment to the Senate he smashed the senatorial coalition of Democrats and western Republicans and had the tariff measure made into a bill with some measure of protection.

The VICE PRESIDENT. Without objection, the advertisement will be printed in the RECORD.

The advertisement is as follows:

[From the Philadelphia Record, May 14, 1930]

JOSEPH R. GRUNDY should be retained in the United States Senate because—

Appearing before the Senate Lobby Investigating Committee he proved to the country that Pennsylvania is one of the greatest States in the Union and caused Pennsylvanians to be proud of their citizenship.

Within three months after his appointment to the Senate he smashed the senatorial coalition of Democrats and western Republicans and had the tariff measure made into a bill with some measure of protection.

The tariff still needs revision upward and he is the ablest man in Pennsylvania to do the job.

Low tariff means low wages and opens our markets to foreign products, which means loss of work and wages to our own people.

His knowledge of the economics of industry warrants his continuance in office in order that the proper duties can be obtained for Pennsylvania industries and wage earners may be put back to work—and the present standard of wages be maintained.

He knows the needs of agriculture and demands the same protection for Pennsylvania farmers as that now received by the western farmers. A square deal for the East as well as the West.

Knowing just what this country requires to create and maintain prosperity, he does not have to ask what to do and how to do it; but, being well armed with all facts, goes straight to the task and gets it done.

Pennsylvania can not be so ably represented by either of his opponents and failure to nominate him would be a calamity to the State, our farmers, our wage earners, and all other citizens of Pennsylvania.

He is fearless, possesses the sterling qualities of citizenship, and will fight to the end to see that Pennsylvania is treated fairly in all matters pertaining to the welfare of its people, irrespective of race and creed.

If Mr. Davis should be nominated and elected, Pittsburgh would have two Senators and the eastern part of Pennsylvania, with all its industries, would not be represented in the United States Senate.

Senator GRUNDY's entire public career has been devoted to the public welfare and not to public gain.

Keeping our millions of workers employed at satisfactory wages creates the purchasing power on which the prosperity of the entire citizenship rests.

Vote for United States Senator JOSEPH R. GRUNDY Tuesday, May 20.

The foremost fighter in the United States for those principles under which Pennsylvania employs more wage earners than any other State except New York.

Republican committee for JOSEPH R. GRUNDY for United States Senator.

## SHIPMENT OF CEMENT TO BRAZIL

Mr. RANDELL presented a telegram from Scott Thompson, of the Lone Star Cement Co., of Louisiana, which was ordered to be printed in the RECORD:

[Telegram]

NEW ORLEANS, LA., May 15, 1930.

Hon. JOSEPH E. RANDELL, of Louisiana,

United States Senate, Washington, D. C.:

Statement of L. P. E. Giffroy in letter to Senator BLEASE, page 8646, CONGRESSIONAL RECORD, Senate deliberations Friday, May 9, to effect New Orleans mills shipped large quantities cement to Brazil is absolutely unfounded and intentionally misleading. We have never shipped a barrel of cement to Brazil. We periodically refuse Central and South American business account unable to meet European competition.

SCOTT THOMPSON,

Lone Star Cement Co., Louisiana.

## REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (H. R. 1198) to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes, in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause, reported it without amendment and submitted a report (No. 659) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 6414) authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex., reported it with an amendment and submitted a report (No. 660) thereon.

## ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution: S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

## REPORT OF POSTAL NOMINATIONS

Mr. ODDIE, as in executive session, from the Committee on Post Offices and Post Roads, reported sundry post-office nominations, which were placed on the Executive Calendar.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 4482) granting an increase of pension to Mary Frances McConnell; to the Committee on Pensions.

By Mr. HASTINGS:

A bill (S. 4483) for the relief of Robert J. King; to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 4484) granting a pension to John Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 4485) for the relief of Trifune Korac; to the Committee on Claims.

By Mr. SHIPSTEAD (for Mr. BROOKHART):

A bill (S. 4486) granting an increase of pension to Alice Cornwall (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 4487) granting a pension to John C. Taylor; to the Committee on Pensions.

By Mr. CONNALLY:

A bill (S. 4488) for the relief of the Farmers and Merchants National Bank of Gilmer, Tex.; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 4489) for the relief of the heirs of Harris Smith; to the Committee on Claims.

A bill (S. 4490) amending section 493 of the tariff act of 1922; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 4491) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes; to the Committee on the District of Columbia.



By Mr. ROBINSON of Indiana:

A bill (S. 4492) granting an increase of pension to Frances F. Godown (with accompanying papers); to the Committee on Pensions.

By Mr. GLENN:

A bill (S. 4493) to amend section 79 of the Judicial Code (U. S. C., title 28, sec. 152) by providing two terms of court annually at Bloomington, in the southern division of the southern district of Illinois; to the Committee on the Judiciary.

By Mr. SHIPSTEAD:

A bill (S. 4494) to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.; to the Committee on Claims.

By Mr. BAIRD:

A bill (S. 4495) granting an increase of pension to Catherine Wirth; to the Committee on Pensions.

By Mr. REED (for Mr. GRUNDY):

A bill (S. 4496) granting a pension to Anna E. Vetter (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 4497) to prohibit experiments upon living dogs in the District of Columbia and providing a penalty for violation thereof; to the Committee on the District of Columbia.

#### REIMBURSEMENT FOR EXPENSES OF TRAVEL OF CLERKS

Mr. BINGHAM. Pursuant to the provisions of Rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraph 3 of Rule XVI of the standing rules for the purpose of proposing to the bill (H. R. 11965) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1931, and for other purposes, the following amendment.

Mr. NORRIS. Mr. President, will the Senator from Connecticut have the amendment read?

Mr. BINGHAM. The amendment provides for paying the expenses of one clerk for each Senator to his State and return to Washington.

The amendment intended to be proposed by Mr. BINGHAM is as follows:

Page 22, after line 6, insert the following:

#### REIMBURSEMENT FOR EXPENSES OF TRAVEL OF CLERKS

That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to reimburse from the contingent funds of the Senate and of the House, respectively, until otherwise provided for, to one clerk or to one assistant clerk to each Senator and/or Representative, or to one clerk or assistant clerk to each committee of the Senate and to each committee of the House, such amounts as may be necessarily paid by said clerk or assistant clerk for railroad fare, Pullman charges, and minor expenses of travel, from Washington, D. C., to the place of residence in the State of the Senator or Representative by whom employed, at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate or House, to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, such reimbursement to be claimed on vouchers certified by the respective Senators or Representatives employing said clerk or assistant clerk and approved by the chairman, respectively, of the Committee to Audit and Control the Contingent Expenses of the Senate and/or the Committee on Accounts of the House that such travel has been actually performed and the expense therefor actually incurred.

#### AMENDMENTS TO RIVER AND HARBOR BILL

Mr. TRAMMELL (for Mr. FLETCHER) submitted an amendment intended to be proposed by Mr. FLETCHER to the bill (H. R. 11781) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to House bill 11781, the river and harbor bill, which was referred to the Committee on Commerce and ordered to be printed.

#### STATUE OF GEN. JOHN CAMPBELL GREENWAY

Mr. ASHURST. Mr. President, on behalf of my colleague [Mr. HAYDEN] and myself, I submit the concurrent resolution which I send to the desk and ask that it be read.

The Chief Clerk read the resolution (S. Con. Res. 28), as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the thanks of Congress are hereby tendered to the State of Arizona for the statue of Gen. John Campbell Greenway, her illustrious son, whose name is so honorably identified with the State and with the United States.

*Resolved.* That this work of art by Gutzon Borglum is hereby accepted in the name of the United States and assigned a place in Statuary Hall set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution, suitably engrossed and duly authenticated, be transmitted to the Governor of the State of Arizona.

The VICE PRESIDENT. Does the Senator ask for the immediate consideration of the concurrent resolution?

Mr. ASHURST. If that is the ordinary procedure.

Mr. McNARY. Mr. President, I ask that the resolution go over.

The VICE PRESIDENT. There is objection. The resolution will go over, under the rule.

#### REVISION OF THE TARIFF

Mr. HARRISON. Mr. President, a few days ago there was inserted in the RECORD a statement of protest against the pending tariff bill by 1,028 of the leading economists of the country—men who teach economy in Stanford University, the University of California, and all the prominent economists of California, the home of Mr. Hoover, as well as the leading economists of the great University of Utah and of the institutions of learning of Indiana and New Jersey and Massachusetts and Oregon. I should like to insert in the RECORD an article taken from the Washington Daily News, headed "Editors Vote 57 to 16 Against the Tariff Bill," showing which papers are against it.

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. HARRISON. I do.

Mr. BARKLEY. Are any of the newspapers of California, Utah, and Oregon in this poll?

Mr. HARRISON. I presume they are, because I can not believe that the intelligence of Utah or California or Oregon has sunk so low that they would take a different view.

Mr. BARKLEY. Then in all these States, probably, the newspapers protest against this tariff bill?

Mr. HARRISON. Yes.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of Wednesday, May 14, 1930]

EDITORS VOTE 57 TO 16 AGAINST THE TARIFF BILL—NEW YORK TELEGRAM ANNOUNCES CANVASS—EVERY NEWSPAPER IN THE COUNTRY WITH CIRCULATION EXCEEDING 50,000 ASKED FOR VIEWS

Poll shows editors 3 to 1 against bill.

(NOTE.—Eleven of the replies printed by the New York Telegram are from Scripps-Howard newspapers. They all oppose the tariff bill. Counting the 11 as one the poll would show 47 to 16, or virtually 3 to 1 against the Smoot-Hawley bill.)

NEW YORK.—The New York Telegram to-day published replies from 75 newspapers to a questionnaire concerning the Smoot-Hawley tariff bill. Every newspaper in the country with 50,000 circulation had been asked to express its view. Of the 75 replying, 57 declared their opposition to the bill, 16 declared they favor it (most of them with qualifications), and 2 were noncommittal or undecided.

Excerpts from the replies follow:

#### FOR THE SMOOT-HAWLEY TARIFF—16

Buffalo Evening News (Republican): "The News \* \* \* hopes that the tariff bill may emerge \* \* \* in a form which will make it helpful in the promotion of prosperity."

Detroit Free Press (Independent Republican): "It will be better to keep the present tariff law than it will be to get a new one built as the Senate seems determined to have it built, and in case the House finally gives in and lets the body at the other end of the Capitol Building have its way, an Executive veto will be quite justified."

Fargo (N. Dak.) Forum (Independent): "On the whole the Northwest farmers stand to profit."

Kansas City Journal-Post (Independent Republican): "The House should refuse to accept the export-debenture plan. \* \* \* Canada's tariff threats should be ignored."

Kansas City Star (Independent): "We regard the tariff bill as satisfactory in its treatment of agriculture, but as largely nullifying the promised advantages to the farmer in its excessive rates on manufactured goods."

Los Angeles Evening Express (Republican): "California has fared not badly in the making of the Hawley-Smoot tariff."

Los Angeles Times (Republican): "The Los Angeles Times favors a protective tariff bill providing for executive revision of individual rates under proper safeguards and omitting any provision for export debentures."

Minneapolis Journal (Independent Republican): "The bill marks a distinct gain for agriculture."

New York Evening Post (Independent Republican): "It is the belief of the Evening Post that it is now the best thing for business prosperity to have the President sign the Hawley-Smoot tariff bill, provided that it does not contain the debenture clauses."

New York Jewish Morning Journal (Independent): "The Jewish Morning Journal is for the Hawley-Smoot tariff and believes that it ought to be signed by the President if the debenture scheme is deleted and the flexibility clause retained."

Philadelphia Enquirer (Republican): "On the whole, it seems an improvement on the existing law."

Philadelphia Public Ledger (Independent Republican): "This is not going to be the best of all possible tariffs, but it is probably the best that can be obtained at this time."

Phoenix (Ariz.) Republican (Independent): "The Republican's course has generally been in support of recommendations of President Hoover."

Reno Evening Gazette (Republican): "Many of the bill's provisions are so important to the agricultural, mining, and livestock industries of the West as to make it a decided improvement over the present law."

Sioux Falls (S. Dak.) Argus-Leader (Republican): "Admitting that the Hawley-Smoot tariff bill is highly inefficient, we find it difficult to believe that Congress can frame a better one."

Wichita Beacon (Independent): "Kansas, hoping for little tariff relief, will not be greatly disappointed in the Hawley-Smoot bill when it is signed by the President, nor will the cheering for the bill in Kansas be heard in Washington."

#### NONCOMMITTAL OR UNDECIDED—2

Chicago Tribune (Independent Republican): "Not decided as to position on the bill itself."

New York Graphic (Independent).

#### AGAINST THE HAWLEY-SMOOT TARIFF—57

Akron Times-Press (Independent, Scripps-Howard): "The most unscientific public-policy legislation devised in recent years."

Atlanta Constitution (Democratic): "There is only one man in the country who can stop the ravaging raid of the high-tariff Huns. He is President Hoover."

Atlanta Journal (Democratic): "The Atlanta Journal considers the Hawley-Smoot tariff bill the worst measure of its kind in congressional history."

Baltimore Sun (Independent Democratic): "The rates, by and large, represent a slavish regard for parochial interests at a time when there is a crying need for a constructive international commercial policy to fit the needs of a nation that has outgrown its swaddling clothes apparently unknownst to most of the Members of Congress."

Birmingham News (Independent Democratic): "The Grundy schedules are based on the passion of covetousness."

Birmingham Post (Independent, Scripps-Howard): "Wise manufacturers and business men generally resent the steal."

Boston Transcript (Independent Republican): "The prime need of American industry is broader markets."

Brooklyn Eagle (Independent): "Democrats as well as Republicans got in on the grab."

Brooklyn Times (Independent Republican): "The American consumer is hard hit by the proposed tariff."

Buffalo Courier-Express (Independent): "We do not know of anything that would give greater satisfaction all around than to see the result of this misconceived effort at farm relief go into the discard."

Cincinnati Post (Independent, Scripps-Howard): "Millions of American wage earners are dependent upon continuous expansion of our export trade."

Cleveland Plain-Dealer (Independent Democratic): "We consider it an outrageous plundering proposal."

Cleveland Press (Independent, Scripps-Howard): "The Hawley-Smoot tariff bill is \* \* \* protection for political campaign funds."

Columbus Citizen (Independent, Scripps-Howard): "It contains harm for Ohio industry and Ohio agriculture."

Columbus Dispatch (Independent): "Let us hope that if Congress persist the veto pen may be interposed to avert disaster."

Dallas News (Independent Democratic): "If the bill becomes a law its framers and supporters should be voted out of Congress at the first opportunity."

Detroit Times (Independent, Hearst).

Grand Rapids Press (Independent): "Politics and logrolling may have put over the Hawley-Smoot tariff, but they have not succeeded in making it profitable or wise."

Houston Press (Independent, Scripps-Howard): "It is worse than the Aldrich bill, which swept the Republican Party from power in 1910."

Il Progresso (New York, Independent): "We must not forget that Italy is a good client of the United States for wheat, cotton, minerals,

oil, and machinery \* \* \*. The Hawley-Smoot tariff closes the American door in the face of the few and totally harmless Italian products which are still introduced in this country."

Indianapolis Star (Independent Republican): "The tariff protest can not fail to make an impression on the mass of citizens already indignant over some of the increased rates which have already been approved."

Little Rock (Ark.) Gazette (Democrat): "It was not formulated on scientific principles."

Los Angeles Illustrated Daily News (Independent): "Sooner or later the American people, patient, long-suffering, and pathetic to the point of stupidity, will arise in their wrath and dethrone the princes and potentates of special privilege."

Louisville Courier-Journal (Independent): "Tariff legislation to relieve the farmers will relieve them by lightening their pockets."

Louisville Times (Independent): "A lower tariff would be beneficial to business."

Manchester Union (Independent): "A precious muddle has been made of the project for a limited revision."

Memphis Commercial-Appeal (Democratic): "For every ounce of protection it offers the farmer it extracts a pound of his earnings."

Memphis Press-Scimitar (Independent, Scripps-Howard): "Maybe the tariff makers will learn next fall when the women go to the polls."

Milwaukee Journal (Independent): "The only limit to these changes in the proposed tariff is what the tariff beneficiaries think the traffic will bear."

Milwaukee Leader (socialist): "It is foolish to incur the resentment of other countries with import rates which cause them to put up similar barriers."

Minneapolis Star (Independent): "Anyone in the Northwest who looked to President Hoover to obtain a tariff readjustment that would provide relief for the agricultural sections, without penalizing the farmers through hoisting duties on manufactured goods, must be shocked by the Hawley-Smoot schedules."

Newark Evening News (Independent): "In signing the bill Mr. Hoover will simply acknowledge his lack of leadership, already apparent."

New York American (Independent, Hearst): "There has never been in the whole history of the United States such a base betrayal of the people."

New York Staats-Zeitung (Independent): "If adopted, would levy millions of tribute on the American people."

New York World (Independent Democratic): "The larger interests of the whole country are about to be sacrificed to the selfish demands of a small but influential and voluble minority."

Oklahoma News (Independent, Scripps-Howard): "The News believes passage of the bill would cause a big decrease in exports, eventually throwing thousands of persons into the jobless class."

Oklahoma City Oklahoman and Times (Independent): "The Daily Oklahoman feels that if President Hoover had the courage to veto the tariff he would win back all that he has lost of the country's confidence in his courage and aggressiveness."

Omaha World Herald (Independent): "The evidence is clear that not only the economists, the press, and retail business, but the overwhelming majority of the people of all parties are resentful and indignant over the proposed increases in industrial rates."

Pittsburgh Press (Independent, Scripps-Howard): "It is fatuous to erect a barrier against foreign competition when that barrier becomes so high that it prevents us having an outlet to other markets."

Pittsburgh Sun-Telegraph (Independent, Hearst): "Will diminish our trade and our production, and as a result diminish employment."

Portland (Oreg.) Journal (Independent): "It is paternalism for a few and to Hades with the rest."

Rochester Times-Union (Independent): "The interests of consumers ought not to be so flagrantly disregarded."

San Francisco News (Independent, Scripps-Howard): "Growth of foreign trade is vitally important to San Francisco."

St. Louis Globe-Democrat (Independent): "Disturbing both to domestic industry and to foreign relations; accomplishing no good and working immeasurable harm."

St. Louis Post-Dispatch (Independent, Pulitzer): "The Grundy strategy has not yet triumphed."

St. Louis Star (Independent): "The Star regards the Hawley-Smoot tariff as harmful to international relations, a blow to export trade, a burden on the entire population, and a gold brick for the farmers."

Salt Lake Tribune (Independent): "It is a patchwork of political trading that has failed to comprehend the national need as determined by sectional and industrial welfare."

Seattle Star (Independent): "The bill as it stands is a triumph for GRUNDY and greed."

St. Paul Pioneer Press (Independent): "It is a dishonest tariff and should be defeated."

St. Paul News (Independent): "The big manufacturers \* \* \* have seized on the unhappy condition of the farmers to benefit themselves."



Sioux City (Iowa) Tribune (Independent): "Net position of agricultural States will be materially injured."

Seattle Times (Independent Republican): "Our debtors must be permitted to pay us what they owe in terms of that which they have."

Springfield (Mass.) Republican (Independent): "The Republican declared last summer, when Congress took a recess after passing the farm relief bill, that the tariff bill should be promptly abandoned. Still think this legislation a mistake."

Syracuse Herald (Independent): "The vast majority of American farmers will lose rather than gain, and American export trade will suffer."

Tulsa Tribune (Independent Democratic): "We regard the Hawley-Smoot tariff bill in the main nothing more than a grand grab party staged by already overprivileged interests."

Wall Street Journal (Independent): "Already the tariff bill presents Americans to foreign eyes as the gunman of the economic world."

Washington Daily News (Independent, Scripps-Howard): "Thirty foreign countries have taken steps or are preparing to take steps to close their markets to us as a result of the tariff wall we are building against their products."

#### THE LOBBY INVESTIGATION

Mr. NORRIS. Mr. President, I desire to submit an amended resolution proposing to appropriate a further sum of \$3,500 from the contingent fund with which to pay the expenses incident to the so-called lobby investigation. I inquire if the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

The VICE PRESIDENT. The Chair thinks the resolution will have to be referred to that committee.

Mr. NORRIS. Then I will ask that the resolution be referred to that committee. I should like to say to the committee that in conversation with the chairman of the subcommittee he informed me that he is of the opinion that the amount here proposed will be all that will be asked for by the committee; that by the use of this money the committee will be able to wind up its work.

The resolution (S. Res. 268) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That in furtherance of the purposes of S. Res. 20, agreed to October 1, 1929, the Committee on the Judiciary, or any subcommittee thereof, investigating the activities of lobbying associations and lobbyists, is hereby authorized to expend \$3,500, or so much thereof as may be necessary, out of the contingent fund of the Senate in addition to the amount heretofore authorized for said purposes.

#### EMPLOYMENT OF NIGHT WATCHMAN

Mr. WATSON submitted the following resolution (S. Res. 269), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to employ a night watchman at the rate of \$1,800 per annum, to be paid out of the contingent fund of the Senate, until the end of the present Congress.

#### SUSPENSION OF THE GRANTING OF PERMITS AND LICENSES BY FEDERAL POWER COMMISSION

Mr. SHIPSTEAD submitted the following resolution (S. Res. 271), which was referred to the Committee on Interstate Commerce:

Whereas the investigation of the Federal Power Commission by the Senate Committee on Interstate Commerce revealed conditions which were severely criticized by members of that committee; and

Whereas the Senate has just passed a bill incorporating the recommendations of the President made in his last annual message to Congress to establish an independent full-time Federal Power Commission; and

Whereas applications are now pending before the Federal Power Commission for permits and licenses to develop power sites: Therefore be it

*Resolved*, That it is the sense of the Senate that until such a bill becomes a law and such independent power commission takes office, no permits or licenses shall be granted by the Federal Power Commission for the development of any water-power sites.

#### REVISION OF THE TARIFF

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS and Mr. McNARY addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from North Carolina.

Mr. SIMMONS. Mr. President, if it is in order, I should like to ask the Senator from Utah [Mr. Smoot], the chairman of the Committee on Finance, a question with reference to the probability of getting the tariff bill before the Senate. I am asking this question because I know that quite a number of

Senators had expected the matter to come up to-day, and had probably prepared themselves to discuss it. I think it is very well for us to know what is the prospect or the probability of the question coming up to-day.

Mr. SMOOT. The probability of its coming up to-day is remote, I will say to the Senator. I doubt very much whether it is possible to bring it up to-day.

Mr. SIMMONS. Does the Senator from Utah think it will be possible to bring it up to-day?

Mr. SMOOT. I think it is impossible to bring it up to-day.

Mr. SIMMONS. When does the Senator think it may come up?

Mr. SMOOT. If the Senate shall meet to-morrow, it is more than likely it will be brought up to-morrow, but I understand the Senate will not meet to-morrow. If that shall be the case, it will be Monday before it will be brought up.

Mr. SIMMONS. Does the Senator from Utah desire to make any statement with reference to the difficulty of getting this matter before the Senate?

Mr. SMOOT. I think it would be rather unwise, Mr. President, to make such a statement while there is a disagreement between the two Houses.

Mr. HARRISON. Mr. President, may I ask the Senator from Utah why does the Senator and his colleagues, the conferees representing the majority of the conference committee on the tariff bill, tell the minority members of the conference that they are going to bring this subject up on a certain day, causing us to call Senators into the Chamber and to advise them there will probably be a vote on the matter, and then suddenly, and without notice, inform us that the plan has been changed?

As a member of the conference committee I have, at the instance of the Senator from Utah, attended every meeting of the conferees and I have heard the Republican members rowing constantly. I was there this morning for more than an hour, and heard the Senator from Utah and his Republican colleagues fuss and fume over this matter with the Republican members of the conference committee on the part of the House. I suppose, for the first time in the history of conferences between the two Houses, the Democratic members—the minority members of the conference committee were politely but directly requested to leave the conference so that the Republican members might confer alone.

I ask the Senator from Utah will he not take us into his confidence and tell us why he and his Republican colleagues change front so frequently? Why do they say this matter is coming up, that they are going to move to insist upon certain Senate amendments, and suddenly change their plans? When are we to believe that they are going to carry out their program? Those are questions I should like to have the Senator from Utah answer.

Mr. SMOOT. Mr. President, I wish frankly to say to the Senate that perhaps I, together with the other Republican members of the conference committee, made a mistake in giving a promise that before any action should be taken upon the debenture and upon the flexible provision of the tariff bill we would come back to the Senate for further instruction on the part of the Senate.

The House members of the conference take the position, that promise having been made and it being insisted that it shall be carried out, there can not be a full and free conference, that we are at least morally bound by that promise, and they want the Senate to relieve its conferees of that promise, so that there may be a full and free conference.

Mr. DILL. Mr. President, will the Senator from Utah yield to me?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. DILL. When can there ever be a full and free conference if the Senate does not again vote on the question?

Mr. SMOOT. I think the Senate will have a chance to vote on it, I will say to the Senator.

Mr. DILL. If no progress can be made, why should we be kept here this much later in the summer? Why not take a vote now?

Mr. SMOOT. We have tried in the conference to arrive at some understanding about it, but evidently it is now impossible to do that. Action will have to be taken by the Senate, one way or the other.

Mr. DILL. If action will have to be taken, why not take it now? Why put it off?

Mr. SMOOT. The only reason for putting it off is that the Republican members of the conference committee want to decide what will be the best course to pursue.

Mr. HARRISON. May I ask the Senator if it is not a fact that at about the middle of the present week, at the last meeting of the conference, the majority leader, the Senator from

Indiana [Mr. WATSON], made a motion that on Friday the Senator from Utah should report to the Senate and move that the Senate insist on its amendments?

Mr. SMOOT. No; I think the Senator is mistaken as to that.

Mr. HARRISON. I certainly can hear; I understand that such a motion was made, and if the Senator from Indiana were here I think he would state that to be the fact.

Mr. SMOOT. I do not recall that a motion was made in that form, and the conference committee certainly did not act upon such a motion.

Mr. HARRISON. I want to say that I am not finding any fault with the Senator; he is living up to the spirit and letter of the promise he made to the Senate, but the Senator knows full well or ought to know—everyone else knows—that certain gentlemen, leaders of the Republican Party who were enthusiastic for this bill, having heard from the country, are now cold toward it and in some mysterious way they are trying to keep it from the White House and are trying to kill it.

Mr. SMOOT. I will say to the Senator I do not know to what Republican he is referring.

Mr. HARRISON. I am not referring to the Senator because I think he is the only one in the country who is now for this bill.

Mr. SMOOT. The Senator is entirely wrong there. He can ascertain, I think, that a majority of the Senate is in favor of the bill and, I rather think that there are quite a number of other Senators who would like to see some legislation along the line of the bill as passed by the Senate. So the Senator is mistaken when he says that I am the only one in the United States who is for the bill.

Mr. HARRISON. Does the Senator hope to call the conferees together again?

Mr. SMOOT. Does the Senator mean the conferees of the House and of the Senate?

Mr. HARRISON. The conferees of the House and the Senate, yes.

Mr. SMOOT. No; I do not expect to call—

Mr. HARRISON. The Senator does not expect to call them together any more?

Mr. SMOOT. Wait a moment—I do not expect to call the conferees of the House together with the conferees of the Senate, but I do expect to call the conferees of the Senate together.

Mr. HARRISON. What can the conferees on the part of the Senate do unless the conferees on the part of the House agree to the action proposed?

Mr. SMOOT. The conferees on the part of the Senate can agree upon a course of action as to how we shall proceed here and what we shall do, whether we shall request the Senate to relieve the conferees of the moral obligation of the promise to the Senate in relation to two items.

Mr. HARRISON. Of course, I know the Senator will not take snap judgment, and I ask him at least to give us a day's notice of the time when he is going to bring the question to the floor of the Senate.

Mr. SMOOT. I will say to the Senator I think it will be brought up on Monday, as I understand there will be no session to-morrow.

Mr. HARRISON. The Senator thinks it will be brought up on Monday?

Mr. SMOOT. I do.

Mr. HARRISON. But the Senator will not say that it will be brought up on Monday?

Mr. SMOOT. I am only one of the conferees, but it will be brought up on Monday if I can have my way.

Mr. SIMMONS. Mr. President, I want to say, because I desire to be fair, that I think the majority members of the conference committee on the part of the Senate have kept faith and have shown their willingness and their determination to abide by the promise which they made to the Senate. I think they have tried very hard to come to an agreement with the conferees on the part of the other body. I do not attach any blame to them for a failure to agree; but I do feel, Mr. President, that the conferees on the part of the other branch of Congress have been rather obstinate about this matter, and I can not but concur in the suggestion of the Senator from Mississippi, for to my mind their action indicates that he is correct in the conjecture that they are somewhat indifferent as to the passage of the bill. Their attitude is that unless they can have their way there shall be no conference report, and to that end they stubbornly refuse to cooperate with the Senate conferees in getting this matter back to the Senate in a form that the Senate may act upon it in accordance with the ordinary rules of parliamentary procedure.

Mr. SMOOT. Mr. President, I want to be fair with the conferees on the part of the House, and I think the Senator from North Carolina does, too—

Mr. SIMMONS. I do, and I think I have been fair in the statement I have made.

Mr. SMOOT. All they ask is that the conferees on the part of the Senate be relieved of the promise, so that there can be a full and free conference.

Mr. SIMMONS. Yes; but, at the same time, I want to ask the Senator if they do not refuse to cooperate to the extent of making it possible to bring this matter back to the Senate in such a way that we can act upon it under the rules of parliamentary procedure?

Mr. SMOOT. No; they do not object to our bringing it back; in fact, they insist that we shall do so.

Mr. SIMMONS. But they refuse to agree to the method which we would have to adopt in order to get it back before the Senate.

Mr. SMOOT. They take the position, as I have said, that we are bound by a promise, and, therefore, there can not be a full and free conference; they stand on that, and they have refused to yield on it, no matter how many times we have asked them to do so, and the Senator knows that we have asked them to yield a great many times.

Mr. SIMMONS. I know that to be the case. But they have also refused to cooperate in such a report as would bring the whole matter back to the Senate.

Mr. SMOOT. We have done everything we could up to the present time to get them to yield that point, but they will not do it.

Mr. SIMMONS. But the Senator knows that they have persistently refused to consent to submit another report to the House so as to enable the conferees on the part of the Senate to bring this matter again before the Senate, in such a way as would enable it to settle the questions in dispute in a free and orderly manner.

Mr. SMOOT. It is true that the House conferees want the Senate to act before any further conference shall be held.

Mr. SIMMONS. Yes; and have not the conferees on the part of the Senate made it plain to them that they can not get the question before the Senate unless the conferees on the part of the House will cooperate with the conferees on the part of the Senate by submitting another report?

Mr. SMOOT. Well, Mr. President, I would not go that far. We can get it back by resolution; I think that is the only way in which to proceed, and I think that is what we will undertake to do on Monday.

Mr. SMOOT subsequently said: Mr. President, I send to the desk a Senate resolution, which I will read:

*Resolved*, That it is the sense of the Senate that the majority members of the conference committee on the part of the Senate on the tariff bill (H. R. 2667) be relieved from the promise made by them that no agreement in conference on the export debenture or flexible tariff would be made until opportunity was afforded in the Senate for a separate vote on such items.

I ask at this time to submit the resolution, and I wish to give notice that I shall call it up on Monday next.

Mr. DILL. Mr. President, I wish to ask the Senator a question. Am I to understand that we are not to have a separate vote on the debenture and flexible provisions but that they are to be voted on together?

Mr. SMOOT. Either separately or together, just as the Senate may please. There will be no objection to a separate vote.

Mr. SIMMONS. Mr. President, I ask that the resolution may be read.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 270), as follows:

*Resolved*, That it is the sense of the Senate that the majority members of the conference committee on the part of the Senate on the tariff bill (H. R. 2667) be relieved from the promise made by them that no agreement in conference on the export debenture or flexible tariff would be made until opportunity was afforded in the Senate for a separate vote on such items.

Mr. SIMMONS. At what time on Monday does the Senator from Utah propose to call up the resolution?

Mr. SMOOT. Immediately after the Senate meets.

Mr. SIMMONS. Suppose we have an adjournment?

Mr. SMOOT. It is the desire that the Senate shall adjourn from to-day until Monday and I shall call up the resolution at the first opportunity on that day.

Mr. GEORGE. I do not understand that the Senator intends to bring up the resolution to-day.

Mr. SMOOT. No; I said I would call it up on Monday.

The PRESIDING OFFICER. The resolution will be printed and lie over under the rule.



## THE CALENDAR

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Let the clerk state the first bill on the calendar.

The CHIEF CLERK. A bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands.

Mr. COPELAND. Mr. President, I ask unanimous consent that the Senate consider at this time Order of Business 264, being the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Mr. President, the bill suggested by the Senator from New York can not be taken up by unanimous consent at this time.

The VICE PRESIDENT. The Senator from New York can move to consider the bill.

Mr. JONES. I object to taking it up by unanimous consent.

Mr. COPELAND. I move that the Senate proceed to the consideration of Senate bill 2370.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The VICE PRESIDENT. The Senator from Colorado [Mr. PHIPPS] offers certain amendments to the pending bill, which will be stated.

The CHIEF CLERK. On page 1, line 5, strike out "\$8,500" and insert "\$8,000."

Mr. COPELAND. Mr. President, the subcommittee—as its chairman, the Senator from Kentucky [Mr. ROBSON] will testify—made a very careful study of all the salaries involved and agreed upon the bill as it was written, and unanimously reported it to the Senate. It has been supported by the chamber of commerce, the board of trade, and the various citizens' associations. I trust that no amendments will be made to it and no changes made in the salaries proposed in the bill.

Mr. BINGHAM. Mr. President, the Senator from Colorado [Mr. PHIPPS], who for many years had charge of the District of Columbia appropriation bill in the Senate, devoted a great deal of time and study to this bill, had conferences with the District Commissioners and with the officials of the police department, and prepared the amendments which are now being considered. He is out of the city to-day and was without knowledge that the bill was to come up to-day. I thought it was understood with the Senator from New Mexico [Mr. BRATTON] that his resolution was to be taken up the first thing to-day. The Senator from Colorado is not here to speak in behalf of his amendments. I wonder if the Senator from New York would not be willing to let the bill go over until the Senator from Colorado returns on Monday or Tuesday?

Mr. COPELAND. Mr. President, I am unwilling to have it go over. It is well known that the Senator from Colorado is opposed to the salaries as fixed here. He has stated that to the Senate, and I shall be glad, for my part, to have the Senator from Connecticut enlarge upon it all he cares to do.

This bill, however, has been pending for a long time. If it is to become effective it must be acted on now, and I can not see what would be gained by waiting. I do not want to be discourteous to the Senator from Colorado, but he has time and time again put the bill over, and finally introduced his amendments, saying that they represent the view that he holds regarding the salaries. Frankly, I can see no reason for putting the bill over.

Mr. BINGHAM. In view of the great interest of the Senator from Colorado in the matter, and the fact that he has been devoting a great deal of time and attention to the District of Columbia appropriation bill, while I have no desire to delay this matter at all, it seems to me only fair that we should wait two or three days until the Senator from Colorado can return in order to give us his reasons for the amendments, without being required to vote upon them without giving him an opportunity to be heard in their behalf.

Mr. ROBSON of Kentucky. Mr. President, as stated by the Senator from New York [Mr. COPELAND], this matter has been pending for some two or three months, and a great many efforts have been made to bring it up for action. It was put over a number of times at the request of the Senator from Colorado [Mr. PHIPPS]. I regret that he can not be present; but the salaries now paid to our superintendent of police and to the

chief of the fire department and to those employed in these departments are very much out of line and out of harmony with the salaries paid for like services in other cities of comparable size, that I feel that it would be an injustice to these men to delay action on the matter longer. The chances are, if it is delayed, that we could not have the matter considered by the House at this session of Congress.

As has been stated by the Senator from New York, the citizens' associations, the chamber of commerce, the merchants' associations, and a great many of the associations of this city and the District, have met and considered this bill; and so far as we could learn it had the unanimous support of the taxpayers and the various associations of the city and the District of Columbia. It was pointed out to the representatives of these associations and to these business organizations and to the taxpayers that this increase would have to be paid by the taxpayers of the District of Columbia; and they stated that they realized that situation, yet they were extremely anxious that these increases be granted to the members of the police and the fire departments. Since it is the unanimous wish of the taxpayers, the business people, and the various organizations of the District of Columbia that they assume this burden—and these increases are just—it seems to me that we ought to consider the bill and grant them.

For instance, the chief of police of this city receives \$5,200 per year, and the chiefs of police in cities of comparable size much more, while the chief of police of this city also performs the duties performed by the commissioners of police in other cities.

I think the increases are fair and just and reasonable, and I hope the matter will not go over, but that the Senate will now consider it and act upon it, and that these amendments will be voted down.

The contention of the Senator from Colorado [Mr. PHIPPS] is that if the amendments he has offered are adopted, there will be no increase of the taxes in the District of Columbia; but the commissioners advise us that whatever action is taken here now, there will be necessarily some increase of the taxes in the District. Since, however, every organization in this city—the business organizations, the merchants, the chamber of commerce, the citizens' associations, the taxpayers of the District of Columbia—are unanimously in favor of this measure without these amendments, and they must pay the taxes, since they think it is just and right, and the committee that heard the matter was unanimous in its action in thinking that it was just and right, I hope the bill will now be considered and these amendments voted down, and the bill will be passed as introduced by the Senator from Kansas [Mr. CAPPER], the chairman of the committee.

Mr. GLASS. Mr. President, I think no measure which has been considered by the Senate Committee on the District of Columbia has had more thorough deliberation than this measure, and I have been struck with this circumstance:

Very frequently—more often than otherwise—the sentiment of the city of Washington is attempted to be reflected by organized propaganda. In this case the judgment of the business bodies and of the citizens of Washington was obviously spontaneous and earnest. It did not require to be stimulated by those objectionable methods which are so often observed with respect to measures proposed here. All of the facts and the statistics assembled in behalf of this measure showed that it was eminently fair to the firemen and the policemen, and especially to the higher officials of these departments in the District of Columbia.

As pointed out by the junior Senator from Kentucky [Mr. ROBSON], it was shown that some of the higher public officials of these departments are doing the work of three or four officials in cities of comparable size, and that their salaries by contrast are utterly inadequate.

When all of these assembled facts and statistics had made out an overwhelming case for the firemen and policemen, as a last resort and as a final objection it was urged that if these increases were made there would have to be an increase in the taxes of the District. That was very promptly and very spontaneously and earnestly answered by those who represent the taxpayers of the District with the statement that the taxpayers were perfectly content to have the taxes increased to meet this just demand of these worthy employees of the District.

I very earnestly coincide with the view that this bill should no longer be delayed and that the proposed amendments should be voted down and the bill passed.

Mr. BARKLEY. Mr. President, I have not ordinarily been enthusiastic or especially active in the procurement of increases of salary for public officials, although I have always tried to be fair with respect to every class of our Government employees

when the question of their pay arose, either in this body or in the other body, and I had an opportunity to pass upon it, so far as I was concerned.

I think there is no branch of the public service which comes more directly in contact with the people than the police officers, and, to a lesser degree but not less in importance, I say the same thing with reference to the firemen. My understanding is that a policeman entering into the service in the District of Columbia enters at a salary of \$1,800 and that his maximum salary, regardless of the length of his service, as long as he is a private, is \$2,100 per annum. It seems to me that is wholly inadequate for a proper police force made up of substantial men, who have some ties of home relationship which make them an essential part of the population of the city.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BINGHAM. The Senator will notice that one of the amendments offered by the Senator from Colorado affects privates. One of his amendments provides:

That privates in class 3 on the effective date of this act shall be entitled to an annual salary of \$2,200, and an increase of \$100 per annum until they reach the maximum salary of \$2,400.

The pending amendment, as I understand it, is an amendment which provides for giving the chief of police \$8,000 instead of \$8,500, as provided in the bill.

Mr. BARKLEY. I did understand that the amendments which are proposed do not affect the private policemen, but affect only officers, although I am not certain of that.

Mr. ROBSION of Kentucky. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. ROBSION of Kentucky. The amendments affect the privates much more materially than they do the higher-ups. Under the present law a policeman or a fireman enters the service at a basic salary of \$1,800, and then after so many years he goes to \$2,100. Under this bill he would enter at \$1,900, and then, after years of service, would go to \$2,400. So under the amendment of the Senator from Colorado those who have been serving for 15 years, or 10 years, could not go to \$2,400, but would be limited to \$2,200. So it really would give them an increase of only \$100 to start with.

Mr. BARKLEY. I thank my colleague for the correction. I had not seen the detailed amendments of the Senator from Colorado, but I am against them, whatever they provide.

The people of the United States take a pride in the District of Columbia. They feel a sort of proprietorship in it, and that is a proper feeling. From all over the United States men, women, and children come to Washington because it is the Capital of the Nation; and I have often expressed the wish that it might be possible for every man, woman, and child in the United States, at least at one time during their lives, to visit Washington to see something of the Capital, not only of the buildings, the museums, and the art galleries, but to see something of the people who reside here and those who carry on the Government.

Washington is different from any other city in the country, and it ought to set an example of civic pride in the matter of local government. I dare say that on account of the large number of outside people coming into Washington from all over the country the police officers of this city are confronted with problems which do not confront the officers of any other city in the United States.

That does not involve merely the detection of crime and the apprehension of criminals, but it involves contact with the people; and if the policemen of this city, representing the United States Government, are of such a type and experience as to make a favorable impression upon the people at large who come here, that impression is reflected with respect to the whole city and the whole Government of the United States.

We constantly hear complaints made about the police officers here and there, either their inefficiency or their lack of proper courtesy toward the public. Sometimes there may be justification for that criticism, and sometimes there may not be; but certainly we ought to see to it that adequate compensation is awarded to those who are in charge of the enforcement of the law in this District, the Capital of the Nation, who are charged with the duty of preserving order, and also, incidentally, are charged with the duty of making such an impression upon the people in the District and those who come here as to give a high character to the form of government under which the people of the District of Columbia live and for the support of which they are taxed, as people are in other cities.

I trust that this bill will pass; that the amendments offered by the Senator from Colorado will be defeated; and that the

increased compensation, which I believe is justifiable on every ground, will stimulate the officers of the District, both private and higher-grade officers, to give to the people of the United States and of the District of Columbia the highest type of service of which they are capable.

Mr. BINGHAM. Mr. President, the other day the junior Senator from Florida [Mr. TRAMMELL] very strenuously objected to raising the salaries of the District Commissioners even to the amount which the commissioners received last year and the year before. The present salary of the District Commissioners is \$8,000 a year. We were unable to get the bill passed increasing it to \$10,000, even to \$9,000. Yet the bill before us would give to the chief of police and to the chief of the fire service, both of whom are excellent officials, an increase of nearly 50 per cent, give them a salary of \$8,500 each, or \$500 more than their superiors, who are responsible to the Government of the United States and to the people of Washington for the proper government of this city.

It seems to me a most extraordinary state of affairs that Senators should object to an amendment which would bring the chief of police down to the same salary his superior gets, which is all the amendment now before us would do. If this amendment is defeated, it means that we believe that the superintendent of police is a more important official than the commissioner who has to do with the police department and has to take the responsibility for being the highest official of the District in regard to police and fire department matters.

I hope the amendment will be adopted, if for no other reason than to bring about a reasonable situation between the salaries of the commissioner at the head of the police and fire departments and the officials under him in those departments.

While I am on my feet, may I take the opportunity of saying that I agree entirely with what has been said about the inadequacy of the present salaries? I believe they ought to be increased; but that the salary of the chief should be increased by the very large percentage proposed seems to me of very doubtful wisdom.

Mr. CAPPER. Mr. President, the pending bill, or a similar measure, has been before the Committee on the District of Columbia for something like two years. It had thorough study by a subcommittee very much interested in it, and the testimony taken by that committee indicated beyond any question that the business men and the citizens of Washington generally are very strongly in favor of the increases in salaries. The salaries that are carried in the bill before the Senate are in line with similar salaries for like positions in other cities. My own opinion is that they are not unreasonable.

I call the attention of the Senate to just two statements made to the committee as indicating the sentiment of the people of the District of Columbia. The citizens' advisory council, through its chairman, Dr. George C. Havenner, filed this statement:

The purpose of the bill is to make the salaries of policemen and firemen commensurate with their duties and with salaries paid in other large cities.

The council recommends the approval of the bill, believing that its enactment into law will promote a feeling among the personnel of the police and fire departments that the Government recognizes efficient service, and that it will not only bring into the service of these departments men of high moral character but that it will tend to keep them in the service.

A statement was filed with the committee by the leading business men's association, signed by Gen. Anton Stephan, president, in which he said that his organization unanimously endorsed the bill, and, further:

It is our understanding that this legislation would bring the salaries of these employees of the District in line with those paid to men serving in a similar capacity in other cities comparable in size to the city of Washington.

The Merchants and Manufacturers' Association feels that such an increase would greatly help in building up the morale of these two important departments of public service, and would result in enabling the city to attract to its service men of higher caliber.

That is the opinion of every business men's organization in the city.

Mr. ROBSION of Kentucky. Mr. President, I want to introduce at this time some statements in answer to the Senator from Connecticut [Mr. BINGHAM].

By the classification act of 1923, and the Welch Act, we increased the salary of the municipal architect in this city from \$3,600 to \$8,000. That is what the municipal architect now draws. His salary was increased 122 per cent.

We increased the salary of the auditor from \$4,000 to \$8,500, which is his salary now.



We increased the salary of the corporation counsel from \$4,500 to \$9,000.

We increased the salary of the superintendent of the street cleaning service of the city from \$3,000 to \$6,000.

We increased the salary of the secretary to the Board of Commissioners from \$2,700 to \$5,200. The secretary of the Board of Commissioners of the District of Columbia now receives the same salary drawn by the chief of police and the chief of the fire department.

The inspectors of buildings of the city had their salaries increased from \$3,000 to \$5,000 a year.

The salary of the assessor was increased from \$3,500 to \$6,400.

The salaries of the commissioners were increased from \$5,000 to \$9,000.

The salary of the electrical engineer was increased from \$2,750 to \$4,800.

The salary of the superintendent of public schools was increased from \$6,000 to \$10,000.

The salary of the purchasing officer was increased from \$3,000 to \$5,000.

The salary of the chief engineer of the fire department is now \$5,200, and the salary of the major and superintendent of police is also \$5,200. The heads of two of the most responsible departments in the District of Columbia receive less in salary, with the one exception, than the head of any of the various departments and agencies of the Government here.

There is a reason for this increase. The superintendent of police for the District of Columbia receives \$5,200 a year. In the city of New York there is a police commissioner, who receives \$18,000. He has seven aides, getting \$10,000 a year each, and the chief inspector receives \$8,000. The chief of police of the District of Columbia performs all the services of the commissioner in New York, of his aides, and of the chief inspector, which costs New York City \$96,000 a year. Now we are proposing to give this man \$8,500 a year.

In the city of Buffalo there are commissioners and other officers to whom the city pays \$24,000 a year. The chief of police of the District of Columbia performs the same services, and it is proposed to give him \$8,500 a year.

The city of Chicago has a commissioner and chief of police and an assistant who cost that city \$62,400 per year, whereas our chief of police performs all of the same services and now receives \$5,200, and we propose to increase him to \$8,500. The same thing is true as to our fire department.

Mr. President, I ask to have printed in the Record a statement of the comparative salaries in the various cities of the country of chiefs of police and other police officers and fire department officers; also a statement of the salaries of the various officers and heads of departments of the District of Columbia.

The VICE PRESIDENT. Without objection, it is so ordered. The statements are as follows:

*Salaries of executive heads of police departments*

[Compiled from figures received by telegraphic communications April 8, 1930]

City	Title	Salary	Total salary
Washington, D. C.	Superintendent	\$5,200	\$5,200
New York, N. Y.	Commissioner	18,000	
Do.	7 aides	10,000	
Do.	Chief inspector	8,000	
Buffalo, N. Y.	Commissioner	7,000	96,000
Do.	2 aides	5,000	
Do.	Chief of police	7,000	
Chicago, Ill.	Commissioner	10,000	24,000
Do.	First deputy	8,000	
Do.	8 acting deputies	4,300	
Do.	Chief of police	10,000	
New Orleans, La.	Commissioner	6,000	62,400
Do.	Chief of police	6,000	
Milwaukee, Wis.	do	6,500	12,000
Boston, Mass.	Commissioner	8,000	
Do.	Superintendent	7,000	15,000
Philadelphia, Pa.	Director of public safety	12,000	
Do.	Assistant director	5,000	
Do.	Superintendent	7,500	24,500
Toledo, Ohio	Director of public safety	6,000	
Do.	Chief of police	4,200	
Kansas City, Mo.	2 commissioners	3,600	10,200
Do.	Chief of police	5,000	
Baltimore, Md.	Commissioner	10,000	12,200
Do.	Chief inspector	5,750	

*Salaries of executive heads of police departments—Continued*

City	Title	Salary	Total salary
St. Louis, Mo.	4 commissioners	\$1,000	\$10,500
Do.	Chief of police	6,500	
Rochester, N. Y.	Commissioner	10,000	24,935
Do.	Director of police	10,000	
Do.	Chief of police	4,935	
Los Angeles, Calif.	5 commissioners	900	9,000
Do.	Chief of police	6,000	
Indianapolis, Ind.	Board of safety (3)	1,200	8,400
Do.	Chief of police	4,800	
Cleveland, Ohio	Director public safety	7,500	13,940
Do.	Chief police	6,440	

You will note from the above figures that Washington and Milwaukee are the only cities having no person in the police department ranking the chief of police.

The above table shows the salaries paid the administrative and executive heads of the respective police departments, including the salary paid the chief of police. In Washington, D. C., the chief of police combines the duties of chief of police, director of public safety, or police commissioner, or commission.

Our association feels that the board of commissioners who govern the affairs of the District of Columbia with the sanction of Congress hold the same position as is held by the mayor or the city council in every other municipality throughout the Nation.

Our association feels that the proposed salary of \$8,500 for our superintendent of police is fair and just and that the salary, even then, is not in proportion to the duties performed and which is comparable to salaries paid all other District of Columbia department heads.

The existing laws relating to pensions and retirement allowances are the result of long and careful study and provide for allowances not to exceed 50 per cent of the salary being paid at the time of retirement.

Most metropolitan cities of the United States provide pension and retirement allowances for their police and firemen, and in no single instance of which there is record is such allowance or pension less than one-half of the salary paid at time of retirement. Indeed, in some cities provision is made for a much greater allowance after fewer years of service than are required under existing laws affecting the District of Columbia police and firemen.

In considering pension and retirement legislation it should be borne in mind that the duties and responsibilities and the hardships, exposure, and hazards incident to the life and work of the ordinary civil employee are in no way comparable with those facing the policeman and the fireman. It is felt that any proposal affecting existing pension and retirement legislation should be considered separate and distinct from a bill the fundamental purpose of which is only to provide adequate and just compensation for groups of men engaged in the most difficult and most hazardous of peace-time public service.

The proposed legislation increasing the salaries of police and firemen has the support of the citizens of the District of Columbia and it is urged that the pending Senate bill, No. 2370, and House bill, No. 5713, be enacted without amendment.

By direction of the Policemen's Association of the District of Columbia.

FRANK A. VARNEY, President.

*Comparison of salaries for executive heads of fire departments*

[Data furnished by International Association of Firefighters, American Federation of Labor, Feb. 24, 1930]

City	Civilian executive head		Salary of uniformed chief	Total cost
	Title	Salary		
District of Columbia	None	None	\$5,200	\$5,200
New York City	Commissioner	\$10,000+	12,500	22,500
Jersey City, N. J.	Commissioner of Public Safety	7,500+	6,000	13,500
Rochester, N. Y.	Commissioner	10,000+	4,935	14,935
Dallas, Tex.	do	6,000+	5,000	11,000
Boston, Mass.	do	7,500+	6,500	14,000
Cleveland, Ohio	Director of Safety	7,500+	6,440	13,940
Kansas City, Mo.	Commissioner	6,600+	4,800	11,400
St. Louis, Mo.	Director of Safety	8,000+	5,600	13,600
Memphis, Tenn.	Commissioner	6,500+	4,800	11,300

In the District of Columbia there is no fire commissioner. Upon the uniformed chief devolve all the administrative responsibilities, as well as those in connection with the fire-fighting work.

Statement showing increases in salary received by certain District government officials between 1923 and 1930

Title	1923	1930	Increase	Per cent of increase
Municipal architect.....	\$3,600	\$8,000	\$4,400	122
Auditor.....	4,000	8,500	4,500	112
Corporation counsel.....	4,500	9,000	4,500	100
Superintendent street cleaning.....	3,000	6,000	3,000	100
Secretary, board of commissioners.....	2,700	5,200	2,500	92
Inspector of buildings.....	3,000	5,600	2,600	86
Assessor.....	3,500	6,400	2,900	82
Commissioners.....	5,000	9,000	4,000	80
Electrical engineer.....	2,750	4,800	2,050	74
Superintendent of public schools.....	6,000	10,000	4,000	66
Purchasing officer.....	3,000	5,000	2,000	66
Chief engineer of the fire department.....	4,000	5,200	1,200	30
Major and superintendent of police.....	4,500	5,200	700	15

Statement relative to salary increases now proposed for chief officers of police and fire departments

Title	Present salary	Proposed salary	Proposed increase	Per cent of increase
Chief engineer of the fire department.....	\$5,200	\$8,500	\$3,300	63
Deputy chiefs, fire department.....	3,500	5,500	2,000	57
Battalion chiefs, fire department.....	3,250	4,500	1,250	38
Major and superintendent of police.....	5,200	8,500	3,300	63
Assistant superintendents of police.....	3,500	5,500	2,000	57
Inspectors of police.....	3,250	4,500	1,250	38

Mr. ROBSION of Kentucky. Mr. President, it has been urged upon us by the taxpayers and business men's organizations of the city that this increase in salary will give us more efficient police and fire departments. While there has been some criticism of our police department, yet from a study of conditions in other cities I think we can say with assurance that the law is enforced in the District of Columbia perhaps better than in the average city of the Nation. Law and order, peace and quiet, are above the average in the Nation's Capital. It may be said, so far as we have been able to learn, that the fire department of the District of Columbia is one of the very finest in the whole Nation; in fact, one of the most efficient in the entire world.

Our policemen receive smaller salaries than many other persons engaged in the Government service. They are on duty eight hours per day and in many cases, when they have been on duty all night, they must go to court and remain there all during the following day waiting for cases to be called to testify. They are subject to call every day in the week, both night and day, and subject to duty at all hours and at all times. Of course, they are subject to the risk, hazards, and dangers which their positions entail. I think it is no more than simple justice that the increase be granted to them. I think that it will be reflected in better and more efficient service and in the selection of better and more efficient men.

Let me say, too, to those who would criticize the police department that they should bear in mind that the chief of police does not have a free hand to choose the members of his force. That is passed upon by the Civil Service Commission. That commission draws men from all sections of the country, men who can pass the examination, and they are certified by the Civil Service Commission as qualified and yet it sometimes turns out that they are not men of integrity and honor. I think the criticism, if any be offered, should be directed more at the Civil Service Commission who make up the list, who submit the list of men from which the chief of police and the other agencies of the police department must select the men to serve in the District.

As stated before, I think the proposal is just. The taxpayers of the District of Columbia are for it, and they will have to bear the additional burden. I am a taxpayer in the District of Columbia, and I cheerfully give the bill my support not only as a Senator but as a taxpayer, on the ground that it is just and right.

The VICE PRESIDENT. The pending amendment will be stated.

The CHIEF CLERK. On page 1, line 5, the Senator from Colorado proposes to strike out "\$8,500" and insert "\$8,000."

Mr. JONES. Mr. President, I regret very much that the measure is taken up in the absence of the Senator from Colorado [Mr. PHIPPS]. I know he has been taking a special interest in the matter and has made a special study and investigation of it. I understand that he has conferred with several of the officials of the city government, and I know that he wants to be here when the bill is considered and disposed of. I really think that the measure should have been allowed to go over under the peculiar circumstances. I know that the Sena-

tor from Colorado is not absent for the purpose of avoiding consideration of the bill or with the idea of having it delayed, but he is necessarily absent.

Mr. President, I have not had an opportunity to give very much study to the matter. I want to see the fire department and the police department in the city of Washington just as efficient as possible and adequately paid. An examination of the committee report will show that the rates of pay provided in the bill are, in my judgment, out of all proportion to the pay of officials of other large cities in the country when we take into consideration the population of the city of Washington. It is urged that the head of the fire department or the police department here must perform a great many duties which are performed by subordinate officials in other cities. I do not think that is a valid argument at all.

The head of the department in any of these cities can, of course, do only so much work. It is humanly impossible for one man to do all the work in the large cities that is necessary to be done in connection with the administration of the fire department or the police department. I venture to say that the superintendent of police in the city of Washington does not give more time to the discharge of his duties than the chief of police in any other city where he may have more subordinates. He has more subordinates because it is absolutely necessary in the condition of the work. The chief or superintendent of police and the superintendent of the fire department, of course, in all large cities has general supervision of the work of his department. As I said, regardless of the size of the city or the magnitude of the city they all do substantially the same work.

What really impressed me in regard to the matter is the compensation which is provided here in comparison with the compensation for similar positions in other cities. I find in the report of the committee for the police department that there have been several increases made in recent years in the pay of the major and superintendent of police in the District of Columbia. In 1919 the salary was \$4,000. It was later increased to \$4,500. In 1924 there was another increase to \$5,200. It is now proposed to increase that to \$8,500. I do not believe the work of the superintendent of police in the city of Washington has increased in anything like that proportion during the last five or six years. I do not claim to know any more about that than other Senators, and yet I confess I have seen no indication of any increase in the duties and responsibilities of the chief of police during that time.

But what is shown as to the compensation for similar positions in other cities? In the city of New York there is a population of five or six or seven million people. I do not know just what its population is now, but my recollection is that the last census showed it was between 5,000,000 and 6,000,000. Our population in the city of Washington possibly does not exceed 500,000 or 600,000 people. Of course the chief of police in a city like New York must have more subordinates to help discharge the duties that necessarily devolve upon him, but he has general supervision. What is the compensation of the superintendent of police in the city of New York? According to the table printed in the report of the committee it is \$8,000. If the superintendent or chief of police in the city of New York is compensated by \$8,000, why should the superintendent or chief of police in the city of Washington, a city of 500,000 people, be compensated in a larger sum?

Mr. ROBSION of Kentucky. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. The Senator from Washington will see in the report that in New York there is a commissioner of police who receives \$18,000 per year. He has seven aides who receive \$10,000 each. All together they receive \$96,000 per annum. In the District of Columbia we do not have any commissioner of police and of course no aides, so for doing the same work with the same responsibility and the same duties in the District of Columbia we propose to pay the superintendent of police \$8,500 for what they receive \$96,000 in New York.

Mr. JONES. Oh, no, Mr. President; I do not agree with the Senator in that statement at all.

Mr. ROBSION of Kentucky. That is the fact.

Mr. JONES. The responsibility of the chief or superintendent of police, the head of the department in the city of New York, is far greater than the responsibility of the chief of police in the District of Columbia.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES. I yield.



Mr. COPELAND. I know the Senator from Washington, who is always fair, wants to be fair in this instance. He spoke about New York City. In New York City we have a commissioner of police at \$18,000, with seven aides at \$10,000 each, a chief inspector at \$9,000, an assistant chief inspector at \$6,000, and nine deputy inspectors at \$6,300 each.

Mr. JONES. Mr. President, I should like to ask the Senator what is wrong about the statement in the report of the bill made by the committee on page 7 that the salary of the head of the department in New York is \$8,000?

Mr. COPELAND. I do not know; but I assume that is a typographical error, because his salary is \$18,000.

Mr. JONES. Of course, I did not know that; I see nothing in the statement in the report to give any different intimation.

Mr. COPELAND. I have stated the figures.

Mr. JONES. I am glad to know that, of course.

Mr. COPELAND. These are the figures: In New York the commissioner of police, who is the chief of police, receives \$18,000.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. JONES. I yield.

Mr. BINGHAM. In the District of Columbia one of the three commissioners takes over the duties of the commissioner of police. The ultimate authority of the management of police affairs rests in the board of commissioners, and they assign the supervision of the department to one of the two civilian commissioners, who is really the commissioner of police. So the chief of police in Washington has not the responsibility the Senator from New York implies.

Mr. COPELAND. Mr. President, if the Senator from Washington will permit me—

Mr. JONES. I yield.

Mr. COPELAND. We will concede that; but, besides the police commissioner, in New York there are seven deputies at \$10,000 each. There are no such officials in the District police department.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. What the Senator from Connecticut has said is only partly true. The commissioner here does not have charge of the police in the sense that the commissioner of police in New York does.

Mr. COPELAND. That is true.

Mr. ROBSION of Kentucky. In the District of Columbia the chief of police has charge of the execution of the laws and the conduct of the affairs of the police department and its policies.

Mr. COPELAND. Mr. President, I should like to refer to one other matter, if I may.

Mr. JONES. I yield.

Mr. COPELAND. In Buffalo there are a commissioner, two aides, and a chief. I think, frankly, that in this community where we are so desirous of proper police control we must pay these officers liberally, so that hope of promotion may inspire the men under them to render fine service. If they may have the prospect of filling the higher positions, fine police service as well as fine fire service will be encouraged. Let it not be forgotten that this measure also applies to the fire department, and my tribute to the fire department here is that it is the best conducted of any concern of which I know anywhere.

Mr. JONES. The Senator from New York does not intend, I am sure, to give the impression that the present chief of police is not rendering the very best service that he can possibly render?

Mr. COPELAND. Oh, no; I do not.

Mr. JONES. And that we have to increase his salary in order to induce him to increase his efficiency?

Mr. COPELAND. I do not; and I am sure the RECORD will show that I spoke about the desirability of putting ambition in the hearts of the men in the ranks to do exceptional work, in order that they might have an opportunity of rising to the higher positions. I have no criticism to offer of the police, and because I have no criticism to offer I want to see that the men in the police department are amply rewarded, in order that they may know that we appreciate their services.

Mr. JONES. Of course the Senator does not mean to intimate that it is held out by this measure to all the members of the police force that they may become superintendent or chief of police.

Mr. COPELAND. No; not any more than when we tell a child if he will be good he may become President of the United States. We have only had 28 or 29 Presidents, but nevertheless

the hope that one may become President at least affords some inspiration.

Mr. JONES. But that is not based upon the salary of the office?

Mr. COPELAND. No; of course, it is based upon the honor.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, in connection with what the Senator from New York has just been saying about the responsibility of the chief of police in enforcing the laws, I should like, with the permission of the Senator from Washington, to call attention to a statement made in the latest book on the government and administration of the District of Columbia published last year by the Brookings Institution, and written by Mr. Laurence F. Schmeckebier and Mr. W. F. Willoughby. I quote from Chapter VIII of this very important study, which has been made by the Brookings Institution, as follows:

In the case of no general function of government is the matter of departmental organization more important than in that of law enforcement. Not only is the performance of this function the most fundamental task that confronts a government but it is one in regard to which it is peculiarly desirable that responsibility for its performance shall be definitely located.

This is what I should like to call especially to the attention of the Senator from Washington and the Senator from New York:

In the government of the District of Columbia this primary requisite of efficient organization and administration is violated. There is no one officer or agency which can be held responsible for the manner in which the laws are enforced; this responsibility is divided among four offices or agencies—the United States district attorney, the corporation counsel, the coroner, and the police—each of whom has an independent status and is responsible for but part of the work to be performed in insuring a proper enforcement of the law.

Therefore, Mr. President, the police department has only one quarter of the responsibility for enforcing the laws, which ought to be held by a department of law enforcement.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. The Senator from Washington is a practical man; he knows the methods that can be resorted to here to kill legislation. I inquire of him if he does not think that the sane and sensible thing for those who are favoring this measure and the increased salaries which it carries would be to accept the amendment reducing the salary carried in the bill by \$500 in the case of those two officials who receive the higher salaries in the police and fire departments, and let the bill go through, giving the general increases provided for the rank and file of firemen and policemen?

Mr. JONES. I certainly think so.

Mr. WALSH of Massachusetts. Let me suggest to the Senator from New York and other Senators on this committee that there may be a filibuster on the bill which will kill it; one or two Senators can prevent its passage at this stage. So why not, instead of standing out for an increase of \$3,300, accept \$2,800, and instead of an increase of \$2,000 accept \$1,500? By standing out for the larger increase there is a probability of killing the bill which gives an increase of \$300 to hundreds of worthy and deserving plain firemen and policemen. I am suggesting this in the hope of expediting the passage of the bill.

Mr. JONES. I am really more interested in the plain firemen and plain policemen than I am in the higher-paid officials.

Mr. WALSH of Massachusetts. The salary of one of these officials I call to the Senator's attention is now \$5,200, and it is proposed to increase it \$3,300. In view of the rumors going around this Chamber, what would the Senator think if Senators should vote to increase their salaries \$3,300 a year?

Mr. JONES. The increase for the major and superintendent is from \$5,200 to \$8,500.

Mr. WALSH of Massachusetts. Exactly; which is an increase of \$3,300. I have no doubt but that these men have been underpaid, and I favor increasing their salaries; but I say, Mr. President, with the number of unemployed in this country, with business depressed as it is throughout the country, with people finding it hard to get work in order to earn sufficient money to sustain themselves, with bread lines everywhere, and with the administration threatening to abandon the tariff bill because it fears it will be a detriment instead of a help to business, it is no time to hold out for excessive increases of salaries for those who already have substantial, but, perhaps, not adequate, salaries. I hope the Senator from New York will

confer with his committee associates and so act that this bill may be passed promptly without further discussion before 2 o'clock, so that the policemen and firemen may obtain the increases which they deserve; otherwise it may be possible for a filibuster to kill the bill for this session.

Mr. JONES. I agree with the Senator—

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. I will yield in just a moment. I agree entirely with the Senator from Massachusetts. I have not engaged in the discussion with any idea of filibustering or anything of that kind, but what I have said has largely been based upon the proposition that we should not make such large increases in the higher salaries, in the case of men who are already getting pretty fair salaries compared with salaries paid those occupying similar positions in many of the other cities of the country. I have no opposition whatever to any of the proposals made in this bill with reference to the lower-paid members of the police and fire departments.

Mr. WALSH of Massachusetts. Will the Senator yield further?

Mr. JONES. I yield.

Mr. WALSH of Massachusetts. I wonder if the Senator has seen the table of the salary increases that has been submitted to all Senators as an argument for the increases in the salaries of the higher-paid officials of the police and fire departments?

Mr. JONES. No; I have not.

Mr. WALSH of Massachusetts. This table is remarkable. It shows that the salary of the municipal architect of the District has been increased between 1923 and 1930 by 122 per cent, namely, from \$3,600 to \$8,000; that the auditor's salary has been increased between 1923 and 1930, 112 per cent; that the corporation counsel's salary has been increased 100 per cent; that the salary of the superintendent of street cleaning has been increased 100 per cent; that the salary of the secretary of the board of commissioners has been increased 92 per cent; that the salary of the inspector of buildings has been increased 86 per cent; that the salary of the assessor has been increased 82 per cent; that the salary of the commissioners has been increased 80 per cent; that the salary of the electrical engineer has been increased 74 per cent; that the salary of the superintendent of public schools has been increased 66 per cent; and the salary of the purchasing officer has been increased 66 per cent; and so it goes. I repeat—and I know the Senator agrees with me—that undoubtedly these higher officials were underpaid as the higher officials of the police and fire departments are now underpaid, but we ought at this time to be very careful about differences over the exact amount of increased salaries for those in high places, in view of unemployment conditions in the country. I want action that will help the rank and file more than those higher up at this juncture.

Mr. JONES. I agree with the Senator.

Mr. ROBSION of Kentucky. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield.

Mr. ROBSION of Kentucky. I did not hear all the Senator from Massachusetts said as to the particular increases he proposes.

Mr. WALSH of Massachusetts. I suggested that the amendment proposed by the Senator from Colorado be accepted reducing the increase contained in this bill from \$8,500 to \$8,000, which would be a reduction of \$500, and dispose of the bill. In that form it would give the chief, I understand, an increase of \$2,800 instead of \$3,300.

Mr. ROBSION of Kentucky. If assurance could be given that the bill would then be passed, we might accept that suggestion.

Mr. JONES. I will say to the Senator—

Mr. WALSH of Massachusetts. Let the suggestion be accepted and the measure be disposed of.

Mr. JONES. The Senator from Colorado has proposed an amendment to strike out "\$8,500" and insert "\$8,000," and so on. I am perfectly willing—

Mr. ROBSION of Kentucky. The amendment of the Senator from Colorado also applies to sergeants and lower-paid men and reduces the increase proposed to be given them.

Mr. JONES. So far as I am concerned, I am not willing to go that far in the case of the lower salaries. I am perfectly willing to give the men receiving the lower salaries the increases proposed. I think they should have them; I think they are the ones whom we should help out.

Mr. ROBSION of Kentucky. Is the suggestion if we accept \$8,000 for the chief of police and \$8,000 for the head of the fire department, that the other amendments will be withdrawn?

Mr. WALSH of Massachusetts. There is also an amendment striking out "\$5,500" and inserting "\$5,000."

Mr. BINGHAM. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES. I yield.

Mr. BINGHAM. In addition to the adjustment of the higher salaries proposed by the Senator from Colorado he also has in the amendment to the bill which is now on the desk two new sections, namely, section 5 and section 6, on which he has spent a great deal of time and study, which, unfortunately, I am not prepared to debate, because there was no notice given that this bill would come up to-day. The Senator from Colorado told me that he expected to be back in Washington on Monday or Tuesday, and in view of the great interest he has shown in the affairs of the District of Columbia for the past 10 years, and in view of the large amount of time that he has spent in conferences with the District Commissioners and the officials of the police and fire departments in drafting these amendments and in securing their approval of them, it certainly seems to me that, in fairness to him, we might wait until Monday or Tuesday in order to give him an opportunity to debate his amendments, particularly the new sections 5 and 6. So I suggest that the bill be temporarily laid aside until Monday or Tuesday, when the Senator from Colorado will be here to defend the amendments which he has so carefully prepared.

Mr. ROBSION of Kentucky. Mr. President, will the Senator from Washington yield?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. I yield to the Senator from Kentucky.

Mr. ROBSION of Kentucky. Mr. President, the new sections that have been proposed were in the proposal before our committee, and they were rejected because they are out of line and out of harmony with the dealings with retirement by the police department of any city of the country. We could not accept those amendments; but, if I may have the attention of the Senator from Massachusetts, in order to secure the passage of the measure and to give relief to these men we would be willing to cut the \$8,500 to \$8,000, and the \$5,500 to \$5,000, in the case of the salaries of the chief and assistant to the chief of police, and the head and assistant to the head of the fire department.

Mr. WALSH of Massachusetts. That would be very satisfactory to me, and I believe it will be satisfactory to the Senator from Washington. All that we are concerned about is trying to prevent this bill to increase the salaries of firemen and policemen being defeated by a contest here over whether the increase to the chiefs should be \$3,500 or \$3,000.

Mr. JONES. Mr. President, I will say to the Senator from Kentucky that the suggestion he makes I would agree to, so far as I am concerned. I rather think that where \$4,500 is prescribed here it should be reduced to \$4,000, but I shall not insist upon that so far as I am concerned. If the Senator will make the \$8,500 for the chiefs \$8,000, and the \$5,500 for the assistants \$5,000, that will be satisfactory to me.

Mr. ROBSION of Kentucky. That is, for the chief of police, the chief of the fire department, and the assistants to both?

Mr. JONES. Yes.

Mr. ROBSION of Kentucky. I am willing to have those two amendments adopted.

The VICE PRESIDENT. Let the first amendment be stated. The LEGISLATIVE CLERK. On page 1, line 5, strike out "\$8,500" and insert "\$8,000."

Mr. COPELAND. Mr. President, do I understand that this will be satisfactory to the Senator from Connecticut?

Mr. BINGHAM. Mr. President, I am endeavoring in a very feeble way to represent the Senator from Colorado [Mr. PHIPPS], who is necessarily absent, and did not know this bill was coming up. I have stated all that I am at liberty to state—that I think, in fairness to him, the amendments which he has prepared ought not to be acted upon until he has had an opportunity to defend them; but I shall not go any farther than that. I have stated the case, and I do not desire to take up further time on the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. McNARY. Mr. President I understand that the differences have been composed as between the Senator from Massachusetts, the Senator from Washington, and the other Senators. A few minutes ago the Senator from California [Mr. SHORRIDGE] advised me that he has an amendment that he desires



to offer to one of the amendments of the Senator from Colorado [Mr. PHIPPS]. He is in the room adjoining the Senate Chamber, and I have sent for him.

Mr. SHORTRIDGE entered the Chamber.

Mr. WALSH of Massachusetts. Mr. President, in order to save time, I suggest that the Senator from Oregon state what has transpired in the absence of the Senator from California, and he may agree to our action.

Mr. SHORTRIDGE. I thank the Senator.

Mr. McNARY. Mr. President, I think the Senator's proposal goes to striking out a portion of the amendment offered by the Senator from Colorado, which repeals the existing statute. I think it is a little different proposition.

Mr. WALSH of Massachusetts. Is the Senator from California interested in the salary of the chief of police or the deputy chief of police, or the salary of the chief of the fire department or the deputy chief of the fire department?

Mr. SHORTRIDGE. Not particularly interested.

Mr. WALSH of Massachusetts. We are about to dispose of the amendments in regard to those two salaries; and, unless the Senator wants to speak upon them, I should like to suggest that we dispose of them now.

Mr. SHORTRIDGE. If I may answer the Senator—

Mr. WALSH of Massachusetts. I remind the Senator that the unfinished business will come up at 2 o'clock.

Mr. SHORTRIDGE. Yes. I feel warranted in stating to the Senate, based upon information coming to me, that the chamber of commerce, the board of trade, the Merchants and Manufacturers' Association, the Federation of Citizens' Associations, the Citizens' Advisory Council, the Central Trades Council, the American Federation of Labor—the several organizations named operating here within the District—indorse the bill as it comes to the Senate and are against these several amendments.

Mr. JONES. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I yield to the Senator from Washington.

Mr. JONES. I suggest to the Senator that it has been practically agreed by those who favor the bill and those opposed to it that the first two salaries of \$8,500 for the two superintendents should be reduced to \$8,000 and the two salaries of \$5,500 for the assistants should be reduced to \$5,000. With that, we think, probably the bill will pass very promptly; otherwise not. I thought I would make that suggestion to the Senator.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from New York?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. COPELAND. I understand that the Senator from Connecticut [Mr. BINGHAM], the Senator from Massachusetts [Mr. WALSH], and all who have been in opposition to the bill, would be satisfied if we changed the salary in line 5, page 1, to \$8,000, the salary in line 6, page 1, to \$5,000, the salary in line 5, page 2, to \$8,000, and the salary in line 6, page 2, to \$5,000. Then we are all agreed.

Mr. WALSH of Massachusetts. Yes. I pray the Senator from California to let us reach this agreement and dispose of the salary part of the bill.

Mr. SHORTRIDGE. Mr. President, it may be idle to oppose what the Senate seems disposed to agree to. I will not delay the matter by discussing it; but I object to section 6.

Mr. JONES. That will come up afterwards.

Mr. SHORTRIDGE. It is not now before the Senate?

Mr. JONES. No.

The VICE PRESIDENT. Let the first amendment be stated.

The LEGISLATIVE CLERK. On page 1, line 5, strike out "\$8,500" and insert "\$8,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 6, page 1, strike out "\$5,500" and insert "\$5,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On page 2, line 5, strike out "\$8,500" and insert "\$8,000."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 6, page 2, strike out "\$5,500" and insert "\$5,000."

The amendment was agreed to.

The VICE PRESIDENT. That completes the amendments.

Mr. ROBSION of Kentucky. I ask unanimous consent that all the other amendments be considered en bloc.

The VICE PRESIDENT. Those amendments have never been offered. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BINGHAM. Mr. President, in fairness to the Senator from Colorado [Mr. PHIPPS], I think I should offer on his behalf the amendments which he prepared, particularly the amendment on page 3, after line 11, to insert a new section. I therefore ask that the clerk may state it.

The VICE PRESIDENT. The Senator from Connecticut proposes an amendment on behalf of the Senator from Colorado, which will be stated.

The LEGISLATIVE CLERK. On page 3, after line 11, it is proposed to insert the following new section:

SEC. 5. That, commencing with the effective date of this act, there shall be deducted for the benefit of the policemen and firemen's relief fund 3¼ per cent of the monthly pay of each member of the Metropolitan police force, the fire department, the United States park police, and the White House police force. That hereafter, upon the separation from the service of any such member, except for retirement as authorized by existing law, he shall be refunded the deductions made from his salary for said fund, and should any such member subsequently be reappointed to any of such police forces or the fire department he shall be required to re-deposit to the credit of the policemen and firemen's fund the amount of deductions refunded to him. In the case of the death of any such member while in the service the amount of his deductions shall be paid to the legal representative of his estate, provided he leaves no widow or child or children entitled to and granted relief payable from said fund.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Connecticut on behalf of the Senator from Colorado.

The amendment was rejected.

Mr. BINGHAM. Mr. President, I should like now, on behalf of the Senator from Colorado [Mr. PHIPPS] to offer an amendment on page 3, line 11, which I may say to the Senators is desired by the chief of police and his aides as a measure which would greatly increase the efficiency of the force, and increase their ability to secure adequate discipline.

I ask to have the clerk state the amendment.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 11, it is proposed to strike out the period and insert a comma and the following:

And any private who fails to receive such annual increase for two successive years shall be deemed inefficient and forthwith removed from the service by the commissioners.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. ROBSION of Kentucky. Mr. President, in view of the chief's desiring that amendment, we have no objection to it.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AIRCRAFT ACCIDENTS

Mr. BRATTON. Mr. President, it was my purpose to move to proceed to the consideration of Senate Resolution 206, Order of Business 151. It is now 15 minutes until 2 o'clock. The unfinished business will come before the Senate at 2 o'clock. Obviously, it would be merely a pretense to move at this time to consider Resolution 206, and I shall not do so; but I give notice that at the first opportunity during the morning hour when the measure can be heard at reasonable length I shall move to take it up.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. BINGHAM. Mr. President, may I say in this connection that I am deeply interested in that measure, and that I had hoped it might come up to-day, and, if not to-day, on Monday.

In view of the fact that the Senator from Utah [Mr. SMOOT] has given notice of his intention to offer a very important resolution on Monday, it looks as though there would be no morning hour on Monday; and I desire to ask the leader of the majority if he will not see to it that we may have a morning hour on Tuesday, in order that the resolution offered by the Senator from New Mexico may be considered.

Mr. McNARY. Mr. President, I feel an obligation to the Senator from New Mexico in this matter. It occurred to me that if we should start now the consideration of the resolution the unfinished business probably might be postponed until the matter could be determined this afternoon, if only a short time will be required.

Mr. BRATTON. Then I move that the Senate proceed to the consideration of Senate Resolution 206, Order of Business No. 151.

The VICE PRESIDENT. The Senator from New Mexico moves that the Senate proceed to the consideration of a resolution, the title of which will be stated by the Secretary.

The LEGISLATIVE CLERK. A resolution (S. Res. 206) requesting the Secretary of Commerce to furnish the Senate certain information respecting aircraft accidents since May 20, 1926.

The VICE PRESIDENT. The question is on the motion of the Senator from New Mexico.

The motion was agreed to; and the Senate proceeded to consider the resolution, which was read, as follows:

*Resolved*, That the Secretary of Commerce be, and he is hereby, requested to furnish the Senate full information respecting each aircraft accident which has occurred since May 20, 1926, of which he has a record, including therein, among other things, the names of persons involved, specifying whether pilots or passengers, the date and place, the make and model of plane, the name, model, and number of engine, and the complete findings of the department as to primary and/or contributing causes of such accident.

Mr. BRATTON obtained the floor.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator.

Mr. FRAZIER. I should like to suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. BRATTON. I beg the Senator not to do that, but to let me make a brief statement of the purpose and scope of the resolution.

The VICE PRESIDENT. The Senator from New Mexico declines to yield for that purpose.

Mr. BRATTON. Mr. President, the act commonly called the air commerce act was approved May 20, 1926. It vests in the Secretary of Commerce supervision of certain aspects of commerce by air. Among other things, it requires that the Secretary investigate, record, and make public the causes of accidents in civil air navigation in the United States.

That requirement is threefold in character. The first is that the Secretary shall investigate the causes of these accidents; the second is that he shall record his conclusions respecting the causes of all accidents; and the third is that he shall make his findings public.

I interpose no complaint against the administration of the act, so far as the first two requirements are concerned. It is my belief that the Secretary has investigated these accidents. I assume he has made a record of his findings, although an assumption is as far as one can go, because whatever the Secretary has found and concluded is still locked in secret.

As to the third plain mandate of the act, I assert that the Secretary has failed to obey it. He has openly disregarded it, because his failure has been called to his attention time and time again, and he continues to refuse to comply with its requirements.

Mr. President, the resolution does not require the Secretary to do more than furnish to the Senate such information as he has regarding accidents occurring since the act became effective. Mr. President, commercial aviation is public. It involves the transportation of the public. The public has an interest in it, and the public has a right to know what the Department of Commerce is doing in the administration of the act. That is all the resolution contemplates. That is all that will be done if it is adopted.

I simply want a vote on the resolution to direct the Secretary of Commerce to furnish to the Senate the information in his custody. That information belongs to the public. I shall make no further statement regarding the matter. It is plain upon its face.

Mr. BINGHAM obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to me to make the point of no quorum?

Mr. BINGHAM. I yield for that purpose.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Frazier	La Follette	Shortridge
Ashurst	George	McCulloch	Simmons
Baird	Gillett	McKellar	Smoot
Barkley	Glass	McMaster	Steck
Bingham	Glenn	McNary	Steinwer
Black	Goldsborough	Metcalf	Stephens
Blaine	Greene	Norris	Sullivan
Bleas	Hale	Nye	Swanson
Borah	Harris	Oddie	Thomas, Idaho
Bratton	Harrison	Overman	Thomas, Okla.
Brock	Hastings	Patterson	Townsend
Broussard	Hatfield	Pine	Trammell
Capper	Hawes	Pittman	Tydings
Caraway	Hayden	Ransdell	Vandenberg
Connally	Hebert	Reed	Wagner
Copeland	Howell	Robinson, Ark.	Walcott
Couzens	Johnson	Robinson, Ind.	Walsh, Mass.
Dale	Jones	Robison, Ky.	Walsh, Mont.
Deneen	Kendrick	Schall	Waterman
Dill	Keyes	Sheppard	Watson
Fess	Kling	Shipstead	Wheeler

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, the resolution offered by the Senator from New Mexico requests the Secretary of Commerce to furnish the Senate full information respecting each aircraft accident which has occurred since May 20, 1926, "together with the complete findings of the department as to the primary and/or contributing causes of such accidents."

I hope this resolution will not pass, for several reasons. In the first place, the air commerce act, which directed the Secretary of Commerce to investigate and report upon accidents, did not give him the power to subpoena witnesses or to require the production of evidence, and therefore it has been impossible for him to secure much of the needed information, except confidentially. The great part of the information concerning the most important accidents, and those in which the public is most concerned, has been received by the department in a confidential manner. To require the Secretary to give the Senate that information for publication would be to ask a breach of faith on his part with those who gave him the information.

Had it been possible for the Secretary to secure the information through subpoena, through compelling the attendance of witnesses, had it been possible for him to be protected against any possible suits which might be brought or claims which might be made with regard to damage done to business on account of the giving out of this information, the situation would be entirely different.

Furthermore, this request involves a very large number of accidents, far larger than most persons would imagine. Since May 20, 1906, there have been approximately 3,300 accidents, of which there is a record in the files of the Department of Commerce. Full information on each accident is carried in the folder relating to the particular accident.

Mr. McKELLAR. Mr. President, will the Senator from Connecticut yield?

Mr. BINGHAM. I yield.

Mr. McKELLAR. Congress directs the Department of Commerce to gather information about air accidents, does it not?

Mr. BINGHAM. That is correct.

Mr. McKELLAR. The department being authorized and directed to obtain such information, how can the Senator or anyone else say that Congress is not entitled to that information or that the Senate, as a part of the Congress, is not entitled to that information?

Mr. BINGHAM. Mr. President, due to a defect in the law, which did not grant to the Secretary of Commerce power to subpoena witnesses or to demand their presence and demand the production of evidence, it has been necessary for the Secretary of Commerce, in promoting civil aeronautics, to secure a vast amount of information regarding accidents in a confidential manner, as I shall proceed to show. To require him now to divulge information which he has received confidentially would involve a breach of faith on his part. Had we written into the air commerce act originally, as we ought to have done, and as I have proposed to do by an amendment now pending in the Committee on Commerce, a provision giving the Secretary the power to subpoena witnesses, to require them to give evidence, and to require the production of evidence, then the information which the Secretary has received would be entirely of a nonconfidential nature. He could have secured the information which he desired in order to help promote aviation without having to give the promise that it would be considered as confidential.

Mr. McKELLAR. If the Senator will yield further, the Senator will recall the testimony of the Secretary of Commerce before the Commerce Committee some time ago, when testifying in reference to an accident which had happened out in New Mexico, I believe it was, when he said that he had acquired information as to the cause of the accident, and had actually turned it over to the aircraft company which was concerned in the accident. He refused to give that information, which he had already turned over to the aircraft company, to the Congress of the United States.

Mr. BINGHAM. Mr. President, the Secretary of Commerce, under the air commerce act, has been engaged in promoting aviation. I am sure we will all agree that he has done a splendid job. The First Assistant Secretary of Commerce for Aeronautics was Mr. William P. MacCracken, a pilot of war-time experience, an able lawyer, who has devoted years of study to aircraft law and its requirements, an enthusiastic devotee of aviation. Under his administration and the administration of his successor, Col. Clarence M. Young, another war-time aviator, we have made great progress in civil aeronautics.

The object of requiring the Department of Commerce to study accidents was, naturally, to try to avoid accidents in the future through the rules and regulations which might be pro-



mulgated. They have secured the information referred to in every way they possibly could, and frequently the most important information has been secured confidentially.

It has been the case occasionally that they have secured confidential information leading them to believe that an accident was caused in a certain way, and in the promotion of aeronautics they have given that information to the company concerned in order that there might not be a repetition of the accident, as I shall proceed to show in a few moments.

I do not think it is fair to criticize the officials of the department for having given such information to the company where it would do the most good, when the information was received in such a way that it would not be fair or advisable, for the sake of aeronautics and for the sake of securing more information, to give it to the public.

If the Congress would only enact the amendment which I have had pending before the Committee on Commerce for many months, the Secretary of Commerce in the future would be able to secure all the information under subpoena in a public manner, and it could be used by the public and all concerned might be informed thereby.

The PRESIDING OFFICER (Mr. BLAINE in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills and joint resolutions. The Senator from Connecticut is entitled to the floor.

Mr. BINGHAM. Mr. President, the Senator from Oregon [Mr. McNARY] stated that when the hour of 2 o'clock arrived he intended to ask unanimous consent that the unfinished business might be temporarily laid aside in order that we might proceed with the consideration of the resolution which has been before us. In his absence, I ask that the unfinished business may be temporarily laid aside in order that the resolution offered by the Senator from New Mexico may be considered.

The PRESIDING OFFICER. Is there objection?

Mr. SWANSON. Mr. President, judging from the length of time which has been occupied on my resolution which was made the unfinished business of the Senate after approval by the steering committee, unless I am assured that the resolution now before the Senate will be disposed of within 10 or 15 minutes I shall not give my consent.

Mr. BINGHAM. It will take longer than that, I may say to the Senator; but in view of the fact that the Senator from New Mexico did not move to take up his resolution until he received assurance from the acting majority leader on this side of the Chamber that the unfinished business would be temporarily laid aside and his resolution considered, I hope the Senator from Virginia will not object to that being done.

Mr. BRATTON. Mr. President, let me appeal to the Senator from Virginia to lay aside the unfinished business and permit us to conclude consideration of my resolution. Then the Senator can automatically bring his resolution before the Senate.

Mr. SWANSON. The unfinished business, if it shall be temporarily laid aside, can automatically be brought before the Senate at any time by demanding the regular order. I am willing for a short time to lay it aside in order that the resolution of the Senator from New Mexico may be considered and, if possible, disposed of. But if there is any disposition to filibuster and delay and not have it acted on promptly and within a reasonable time, I serve notice now that I shall ask that the unfinished business be laid before the Senate.

Mr. BINGHAM. There is no disposition to filibuster or delay. If there were, I should not have asked that the unfinished business be temporarily laid aside because, the hour of 2 o'clock having arrived, the resolution of the Senator from New Mexico automatically goes back to the calendar. I merely want to give to the Senate the reasons why I think the resolution ought not to be adopted. I am in opposition to it, and I myself asked that it be not taken up until next Tuesday.

Mr. BRATTON. Could we agree upon a time to vote upon the resolution, say at 2.30 o'clock?

Mr. BINGHAM. I do not know how much I may be interrupted. If I could be assured that I should not be interrupted for three-quarters of an hour, I might finish in that time.

Mr. SWANSON. Whether the Senator is interrupted is entirely dependent upon himself. No one has the right to interrupt him without his permission. The Senator can very properly refuse to be interrupted until half past 2, and then we can vote.

Mr. BRATTON. Mr. President, I propose an amendment to the request of the Senator from Connecticut, that we vote upon my resolution at not later than 2.30 o'clock.

Mr. SWANSON. If that is agreed to, I shall not object to temporarily laying aside the unfinished business.

Mr. BINGHAM. Very well. I will try to get through by half past 2 if I may be allowed to proceed without interruption.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut as modified by the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. WALSH of Massachusetts. Mr. President—

Mr. BINGHAM. Mr. President, I can not yield. Every minute counts against me, and it is now several minutes after 2 o'clock.

I wish, however, to give some information as to why I believe that the confidence involved can not be broken in this matter and why we ought not to ask the Secretary of Commerce to give this information to the Senate. I have before me some examples of information given by persons possessing information pertaining to aircraft accidents with reference to which the information was secured in confidence by investigators and which they have given their word not to violate. The first of those instances is as follows:

A plane took off from an airport, and after flying for some minutes crashes into the ground. The pilot had a good reputation for technique, and the plane was of sound construction and in good condition. No reason could be assigned for the accident until a close personal friend of the dead pilot informed a Department of Commerce inspector, in confidence, that the deceased had been drunk the night before, and that the person giving the information had been intoxicated with him. The deceased pilot had not completely recovered from the intoxication when he took off and made the remark that he did not "feel like flying."

In the absence of any other evidence, the conclusion was arrived at that the cause of the accident was due entirely to personnel. This information probably never would have been received by the department if the close friend of the dead pilot knew his utterances would become public property and probably would become involved in a subsequent action.

Another instance is as follows: A plane crashed at an airport, the pilot bore a good reputation for skill, and the plane was declared to be in good condition. However, an employee of the airport informed a Department of Commerce inspector in confidence that the owner of the plane that crashed was negligent in keeping his planes in good condition at all times. He did not want to become involved in the matter publicly, but felt that by so informing the department, and knowing his statements would be kept in confidence he could prevent similar accidents to other planes.

There, Mr. President, is a good example of the kind of thing to which the Senator from Tennessee objected. The Department of Commerce, having discovered through confidential information the reason for the accident, informed the company of what they believed to be a reason for the accident, but did not inform the public because the man who gave the information was unwilling that it should be made public. Their action was in the interest of safety in aeronautics.

Another instance is as follows: The wings came off of an airplane in mid-air, resulting in the death of the pilot and two passengers. Inquiry developed confidential information that the day before the fatal flight the plane had been put through violent acrobatics by another pilot, who detected a structural failure in the course of his acrobatics, and promptly landed. This pilot reported the structural failure to the hangar crew, but the crew took no action at that time. It was on the following day that the plane was taken up without permission of the proper authority for the fatal flight. The information was furnished by an employee of the hangar, who could not make a public statement without jeopardizing his employment.

There, Mr. President, we have another instance of the kind of information which has been received confidentially and which has been used by the Department of Commerce to promote aeronautics, but which under the law they have no means of acquiring. If the law were amended as I have suggested in an amendment now pending before the Committee on Commerce this information could have been secured from employees in the hangar through judicial process, and not confidentially. There would have been no difficulty about securing the information, and there would have been no objection to making it public, but the information could not have been secured were it not secured confidentially, and we might have been led to suppose that this particular airplane had not been properly built; we might have been led to suppose that it was an improper plane, structurally deficient, or that the pilot himself had been unwell or intoxicated or not properly trained. Various conclusions could have been drawn from that accident, and none of them accurate, without the confidential information given by a member of the hangar crew.



Another example of the reasons why confidence can not be broken on account of the information having been received confidentially is as follows: A plane crashed on a cross-country flight, killing the pilot and several passengers. Included in the evidence procured by the inspectors was the voluntary statement from the company officials that doubt had been expressed as to the judgment of the pilot, but that it was not sufficiently strong to warrant his removal or assignment to less responsible work. The company now believes that the accident would not have occurred had the suggestions concerning the pilot's judgment been carried out. However, this did not form the basis upon which the department reached its conclusions as to the cause of the accident, but it did serve as a contributing factor.

These instances might be readily multiplied, but the fact remains that a large number of these accidents have been investigated by the department, and the important information received has been given confidentially. That was the only way the department could get the information. To ask them to divulge it would involve bad faith on the part of the Department of Commerce, lawsuits on the part of those who gave the information confidentially, which they would not have given had there been any danger of lawsuit resulting through the publicity being given to the information, and, in addition to that, a large amount of time of the department would have to be spent on this purpose which is needed in order to keep up with the progress of aviation to-day.

As I said previously there have been approximately 3,300 airplane accidents of which there is now a record in the files of the Department of Commerce, since May 20, 1926. The full information on each accident is carried in a folder under that accident. The data therein include a confidential report from the inspector who investigated the accident, which report sets forth his own conclusion as a thoroughly qualified licensed pilot in good standing. It also includes written statements of witnesses of the accident as well as persons informed and qualified to speak on the condition of the plane or its occupants prior to the flight. These reports are given in writing to the inspector upon his assurance that they will not be made public, that they will not be involved in any subsequent legal action, or that they will not have to defend those statements publicly. Otherwise, as I have said, it would be extremely difficult, if not impossible, for this information to be obtained.

Many of the written statements are obtained at the scene of the accident and set down on any piece of paper that happens to be available and written with pen or pencil in the handwriting of the witness. Some of the statements have been known to embody 8 or 10 pages from one individual. All are kept as part of the record of the accident.

All this information would be available under the terms of the resolution as it is pertinent to the record of the accident. It is estimated that the compilation of a complete accident report in a manner and form satisfactory to the Senate would require a minimum time of 45 minutes for each accident. As there are approximately 3,300 of these records, the total time to compile them would be about 2,475 hours. As each individual officially is on duty in the Department of Commerce seven hours a day, on this basis and for one individual the estimated time to prepare the reports would be 353 1/4 days, which would include all Sundays and holidays, and consequently would represent almost a solid year's work. The accident board has only two clerks engaged in the routine work of handling accident data, and as the personnel in the other divisions of the aeronautics branch is not now sufficient to meet all demands as promptly as they should be met, these divisions and sections would not be of assistance. Furthermore, the appropriations are insufficient to provide for the employment of any additional persons.

In the cases of some of the larger accidents that have occurred, the evidence on file with the department is quite voluminous. As the resolution calls for full information, it is to be presumed that all information bearing on the subject should be submitted. In the case of one major crash, there are close to 15,000 words of reports, testimony, and correspondence all having a direct bearing on the accident, but at the same time there are other reports not unlike this one in size for less serious accidents. In smaller accidents, the files are not as large but the volume of evidence is not always governed by the severity of the accident.

In the case of the major accident referred to in the foregoing paragraph the following types of evidence are in the files:

Report of the investigating inspector; copy of orders issued to the pilots and operating personnel by a proper authority; map of the scene of the crash and the location of the wreckage; statement by a pilot as to the condition of the weather on the day of the crash; map of the section of the route covered by the air line; lengthy statement by the Acting Chief of the United

States Weather Bureau as to the general weather conditions in the area in which the crash occurred; statement by a resident of the area in which the crash occurred as to the general weather conditions; copy of orders issued to pilots by the general superintendent of the line; copy of the verdict of the coroner's jury; copy of pilot's weather report on the day of the crash; report of the condition of the radio equipment on the plane; statement by a pilot as to weather conditions; statement by a pilot as to his conclusions concerning the accident; statement by a pilot on his experience with a storm on the day of the accident; report of operations of another air line on day of accident; copy of orders to pilots prior to date of accident as to course they should fly; memorandum to pilots to exercise extreme care when encountering storms; statement by a Government meteorologist on weather conditions on day of accident; statement by a resident of area on weather conditions; statement of witness that a plane was seen on the day of the crash; statement of witness that he saw a plane on day of accident; copy of communications between Department of Commerce field inspector and Washington office; correspondence with operating company; log of the flight from terminal to terminal; newspaper clippings of story of crash.

Mr. President, it ought to be evident from that list that the work of preparing a report in accordance with the resolution proposed concerning the 3,300 aircraft accidents would occupy a very prolonged period of time unless the whole staff of the aeronautics branch of the Department of Commerce were diverted from their other activities and assigned to this task. It ought to be said in their behalf that, due to the very great increase in the activities of civil aeronautics, during the past two years the staff of the Department of Commerce has been working overtime for more than a year and a half. In the current appropriation bill for the Department of Commerce additional money has been provided in order to enable them to catch up with their current work; but the preparation of a report on 3,300 accidents would very seriously interfere with the business of the office in promoting aviation, even though it did not conflict with the confidential testimony which, as I have pointed out, has been given and which can not be divulged without there being involved a breach of good faith.

Mr. President, the purpose of investigation of aircraft accidents by the Department of Commerce is to determine the operating cause with a view to developing remedial safety measures. The purpose is not to fix legal responsibility. In Air Commerce Bulletin, published by the Department of Commerce, issue of April 15, 1930, there is a very full and interesting tabulation of the causes of accidents in civil aeronautics for the years 1928 and 1929. There is not sufficient opportunity in the limited time at my disposal to go over the list and point out the great variety of causes of accidents, but they include such causes, on the part of the pilot, as error of judgment, poor technique, which is the principal cause of accidents, disobedience of orders, carelessness or negligence, and, on the part of other personnel, deficiency in supervision.

As to the material, the causes of accidents in connection with the power plant relate to the fuel system, the cooling system, the ignition system, the lubrication system, engine structure, propellers and accessories, engine-control system, and a variety of undetermined failures.

In regard to the structure of the airplane itself, accidents have been caused by defects in the flight-control system, in movable surfaces, in stabilizing surfaces, in wing struts, and bracing, in the undercarriage, in the wheels, tires, and brakes, in the pontoons or boats, in the fuselage, engine mount, and fittings, and by a variety of undetermined defects.

In addition there are such causes of accidents as the weather, the coming on of darkness, the nature of the airport or of the terrain where the landing takes place, and a considerable number of undetermined and doubtful causes. During the past three years the percentage of undetermined and doubtful causes has ranged from around 5 per cent to something over 9 per cent.

There are also tables in this bulletin showing the fatalities and injuries due to accidents and accidents which have occurred without injuries, classified according to whether the accident was in connection with scheduled flying, student instruction, experimental, or miscellaneous flying, for the different years.

The object of publishing these statistics in this form, Mr. President, is to show the industry and those interested in the promotion of aviation just where the principal fault lies in connection with airplane accidents. The bulletin points out the part played by engine failure, by failure of the structure of the airplane, by the failure in judgment on the part of the pilot, by poor technique on the part of the pilot. It is highly significant that more than half of the accidents are caused by errors



on the part of the pilot, chiefly poor technique and errors in judgment.

The Department of Commerce, obtaining this information confidentially, has used it to draft rules and regulations which have gradually lowered the number of accidents so that the number of accidents per flying hour is very much less than it was previously.

In Air Commerce Bulletin of February 15, 1930, there is a full discussion by the Department of Commerce of aircraft accident reports and there is pointed out the manner in which the Department of Commerce has followed the procedure with respect to the compilation and publication of aircraft accidents. It states that—

With the authority and machinery provided under the air commerce act, the department determines the facts about aircraft accidents, from voluntary and visible sources, in the most thorough manner permitted by the circumstances. The investigations are conducted informally. That is, no dates are fixed for formal hearings and no witnesses subpoenaed to attend.

That is not granted under the law in its present state.

Rather, an attempt is made to obtain information from all available sources, give it application from the practical point of view for the purpose of ascertaining as nearly as possible the probable causes, and then take such action to remove it from future operations as is indicated thereby. The authority now granted by the air commerce act is considered sufficient for this undertaking.

Every six months the aeronautics branch makes public complete statistics on civil aircraft accidents for the previous period, and from these statistics not only the Department of Commerce but the aeronautical industry and the general public can see what corrective steps should be taken. It is believed that if the authority now granted under the air commerce act for the investigation of aircraft accidents were augmented by a provision precluding the admission of official accident reports as evidence in civil suits and authorizing formal investigations of aircraft accidents if and when preliminary informal investigations of a given accident made such a hearing necessary or advisable, much of the alleged mystery as to why aircraft accidents occur would be removed. However, as this procedure can not be followed under the authority and facilities now available, the department must turn to the next best method, which, after all, enables everyone concerned with the development of aeronautics to proceed along the course leading to unquestioned safety.

Mr. President, I desire also to read a description of the method followed, but, in view of the limited time, I shall ask that it may be inserted in the RECORD at this point without being read.

The PRESIDING OFFICER (Mr. STECK in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

In the absence of the necessary authority and machinery to conduct and make public as soon thereafter as possible the cause of each aircraft accident, the department attempts through its inspectors in the field, to reconstruct the accident to the fullest extent possible, taking into consideration the locality, weather, pilot's experience and rating, nature of accident, kind of aircraft and its status, maneuvers immediately preceding the accident, and such other relevant information as is available.

This is accomplished as soon after the accident as a representative of the department can reach the scene. His report is transmitted to Washington where it is reviewed by an accident board of the department, composed of a medical director, aeronautical engineer, two expert pilots, a statistician, and a lawyer, who attempt to account for all contributing factors and reflect a composite view with respect thereto. The inspector's report naturally includes an opinion from the inspector who is thoroughly familiar with the subject of aeronautics and whose opinion therefore may be regarded as expert. Voluntary statements from other pilots and witnesses, who have made them with the knowledge that they are to be used only by the department in determining the cause in order that suitable remedies may be applied in the future, also are transmitted.

The investigations thus conducted do not in any way contemplate the determination of any legal responsibilities which may be involved. Therefore, in all probability the same course is not followed nor the same ground covered as would be the case if such a motive dominated in the premises. This seems readily to suggest, then, that injustices to individuals could very easily result were the information, thus developed in individual cases, released for consideration in the light of legal technicalities, contributory negligence phases, and proximate or remote causes, rather than for the practical deductions of thoroughly experienced aviation personnel, for the purpose of applying remedial measures in future operations.

The foregoing relates only to the information involved in the immediate causes of accidents. It does not include other extremely pertinent facts, such as the license status of the pilot and aircraft, whether the aircraft or pilot were operating in conformity with the privileges and restrictions of the air commerce regulations, or whether penalties for violation in the particular case were in order. Such information is ascertained by the department in the case of each accident.

Mr. BINGHAM. Mr. President, as I have said there is no authority in the air commerce act of 1926 for the Department of Commerce to hold hearings, subpoena witnesses, and compel testimony in connection with its investigations of aircraft accidents. Therefore, there is only one course left to pursue, and that is to determine the facts from voluntary and visible sources in the most thorough manner permitted by the circumstances. To this end, the department has built up public confidence in its method of obtaining accident data, and receives the whole-hearted cooperation of witnesses and well-informed persons. This voluntary assistance is given freely and with the knowledge that will enable the department to take corrective steps for the immediate future.

To make public the information gained in this manner, and which now is in the files of the department, would bring about a breach of confidence and seriously hamper that organization in its future efforts to obtain complete facts.

Furthermore, if the department made public the legal responsibility involved in aircraft accidents as fast as they occur, its officials would be in court most of their working hours defending the conclusions arrived at as to this phase of accidents.

If there be time I shall refer a little later to the comments made upon this subject in the letter of the Attorney General addressed to the Secretary of Commerce in connection with his responsibility under the law.

Mr. President, it is impossible in many cases to determine the cause of accidents. Anyone who has flown realizes that fact; and the aircraft accident records in the Department of Commerce include a very substantial number of cases where the cause of the accident never has been determined. More often than not, accidents occur in isolated sections; the occupants of the plane are fatally involved and there is a distinct absence of a positive clue as to what caused the loss of life.

The accident to the T. A. T. plane at Mount Taylor last September is a good example of the foregoing. There are many good conclusions as to what might have happened, but the actual facts are gone forever.

The Department of Commerce publishes semiannually complete, analyzed statistics of accidents occurring in civil aeronautics in the previous six months. These accident reports give, at a glance, a true picture of the status of aeronautics from the safety point of view. There are only a few principal reasons for any aircraft accident—personnel, power plant, structural, and weather. From these composite reports, the department, the airplane designers, builders, operators, and the general public are able without difficulty to see where corrective measures are to be taken. In this form they serve a useful and valuable purpose.

In order that anyone interested may have further information let me refer to Air Commerce Bulletin, published on March 15, 1930, which contains a very careful statement in regard to recent accidents.

Finally, Mr. President, there is now pending before the Senate an amendment which authorizes the Department of Commerce to investigate aircraft accidents in a manner somewhat similar to the procedure followed by the Interstate Commerce Commission in investigating railroad accidents. The amendment calls for something which the Department of Commerce has never had authority to undertake.

What the department now possesses in the way of aircraft accident information has been obtained through confidential sources with the aid of public support and cooperation in the interest of a further development of air transportation, which information can not be given to the public, as I have stated, without breach of confidence.

Mr. President, in the letter of the Attorney General to the Secretary of Commerce, to which I have referred, the Attorney General states:

The requirement of subdivision (c) of section 2 here in question "to investigate, record, and make public the causes of accidents in civil air navigation in the United States," is phrased in general terms, and manifests the purpose above expressed to leave a broad discretion to the Secretary. It contains no specific directions as to the manner or time of publication. Its declared purpose is to "foster air commerce." The duties imposed by the other subdivisions of the section, for the same purpose, are phrased in equally general terms.

The entire content of the section discloses the intent to leave matters of detail to the discretion of the Secretary of Commerce, subject to the general requirement that the means adopted must be such as to "foster air commerce."

**THE PRESIDING OFFICER.** The hour of 2.30 o'clock having arrived, under the unanimous-consent agreement the time of the Senator from Connecticut has expired, and the question is on agreeing to the resolution.

**Mr. BINGHAM.** I ask that the entire opinion of the Attorney General may be inserted in the RECORD at this point in my remarks.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

The matter referred to is as follows:

OPINION OF THE ATTORNEY GENERAL ON THE COMMERCE DEPARTMENT'S  
AIRCRAFT ACCIDENT PUBLICATION POLICY

DEPARTMENT OF JUSTICE,

Washington, February 19, 1930.

SIR: I have the honor to acknowledge the receipt of the letter of the Acting Secretary, dated January 13, 1930, in which my opinion is asked on the following question arising in the administration of the air commerce act of 1926 (act of May 20, 1926, ch. 344, 44 Stat. 568, U. S. C., title 49, secs. 171-184):

"Whether section 2 of the above-mentioned act requires the Secretary of Commerce to make public the causes of accident in civil air navigation in any other manner than in statistical form, as outlined in the accompanying papers and at such times as he may deem advisable."

Section 2 of the act reads as follows:

"SEC. 2. Promotion of air commerce: It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this act, and for such purpose—

"(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

"(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

"(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto, and also as regards the existing state of the art.

"(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

"(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

"(f) To exchange with foreign governments through existing governmental channels information pertaining to civil navigation."

You state that the department's method of recording and making public the causes of accidents in civil air navigation is shown in Comparative Statistics and Analyses of Accidents in Civil Aeronautics for the Years 1927, 1928, and the First Six Months of 1929, a copy of which you inclose. This has, since the date of your letter, been published in Air Commerce Bulletin, volume 1, No. 14, pages 9-14, of January 15, 1930. These published statistics do not disclose the cause of any particular accident, but classify, in tabular form, the causes of all accidents. The method of investigation and the manner of tabulating such causes are thus described in the Air Commerce Bulletin (ibid. p. 9):

"The causes of the accidents are divided into four major classifications—personnel, power-plant failures, airplane failures, and miscellaneous. There is a fifth category given over to undetermined and doubtful causes.

"The accident report is based on the findings of the accident board of the aeronautics branch, which is composed of two expert pilots, a flight surgeon, an aeronautical engineer, a lawyer versed in air law, and a statistician. This board investigates and determines the causes of all civil aircraft accidents; analyzes all accidents reported from the field and reduces them to their causation factors expressed in percentage. The statistics gathered from the work of this accident analysis have proved to be of great value, particularly by pointing to ways and means of decreasing the number of aircraft accidents. They also are of great assistance in the development of certain structural and flying characteristics in aircraft."

The air commerce act of 1926 is entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes." It vests broad powers in the Secretary of Commerce. Among other things, he is given by section 3 certain regulatory powers with respect to the registration of aircraft, the examination and rating of aircraft, airmen, and air navigation facilities, and the establishment of aircraft rules, and by section 5 authority to designate and establish civil airways and provide for aids to air navigation thereon. The entire act, and especially

section 8, indicates an intention to give the Secretary of Commerce wide discretion in its administration, and this purpose was stated in the report of the Committee on Interstate and Foreign Commerce of the House (Rept. No. 572, 69th Cong., 1st sess., House of Representatives) of March 17, 1926, as follows:

"The committee has been mindful of the fact that one of the principal objects to be accomplished by the bill is the encouragement of aviation, and it has therefore left wide discretion in the Secretary of Commerce so that individual operators or other agencies should not be unduly hampered by restrictions or regulations until experience might prove them necessary. It has endeavored to leave the field of invention and experiment entirely free and unhampered by Government interference."

The requirement of subdivision (e) of section 2, here in question, "to investigate, record, and make public the causes of accidents in civil air navigation in the United States," is phrased in general terms, and manifests the purpose above expressed to leave a broad discretion to the Secretary. It contains no specific directions as to the manner or time of publication. Its declared purpose is to "foster air commerce." The duties imposed by the other subdivisions of the section, for the same purpose, are phrased in equally general terms. The entire content of the section discloses the intent to leave matters of detail to the discretion of the Secretary of Commerce, subject to the general requirement that the means adopted must be such as to "foster air commerce."

In an opinion of May 6, 1929, to the Postmaster General (36 Ops. A. G. 33, 36), I used the following language, which is quite applicable here (p. 36):

"The act itself does not provide any specific method of obtaining bids, the sole direction in that respect being that 'the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government.'"

This language clearly contemplates competitive bidding, and it is equally clear that it leaves to the Postmaster General a very wide measure of discretion as to the means and methods of securing the bids.

A similar matter was considered in an opinion by Attorney General Clifford (4 Ops. 585). The act of March 3, 1843 (c. 100, 5 Stat. 630, 641), appropriated money for the publication of a documentary history of the American Revolution, and contained this proviso:

"Provided, also, That the materials which shall compose each successive volume shall, before any appropriation is hereafter made for the cost of the same, be submitted to, and approved by, the Secretary of State for the time being."

This proviso did not prescribe the time at which the Secretary was to give his approval, and the Secretary submitted for the opinion of the Attorney General the question whether it was sufficient for him to approve the outline of the materials as they were presented by the contractor for each successive volume. The Secretary was advised that such approval might "be fully justified as a reasonable compliance with the requirements of the law."

These opinions are but expressions of the well-settled principle that, in the absence of specific statutory requirements, incidents of administration lie largely within the discretion of the heads of the several Government departments. See *United States v. MacDaniel* (7 Pet. 1, 14-15); *United States v. Wright* (11 Wall. 648); *National Life Insurance Co. of the United States v. National Life Insurance Co.* (209 U. S. 317); *Central Trust Co. v. Central Trust Co. of the United States* (216 U. S. 251).

The statistical method which you have adopted to "make public the causes of accidents in civil air navigation in the United States" seems to be a reasonable compliance with the requirements of the statute, having in mind its expressed purpose "to foster air commerce." The papers submitted with your letter suggest that the real purpose of demanding detailed information as to the causes of particular accidents may often be to assist private parties in litigation involving the legal responsibility therefor. The publication of such information might make it difficult for the department to secure frank disclosures from those concerned in particular accidents and might thus hamper the department in securing accurate information upon which to base remedial measures for the future. These considerations suggest a possible reason for Congress not requiring any particular method for making public the causes of accidents.

The time of publication is not specified at all in the act, and is thus left largely to your discretion. Of course, the intervals must not be so infrequent as to negative substantial compliance with the statutory requirement of publication. I understand, however, that your practice has been to publish statistical material of the sort above described at approximately 6-month intervals.

I am of the opinion that the course which you have followed, with respect both to the manner and time of publication, has been within the limits of your discretion under the statute and in substantial compliance with its requirements.

Respectfully,

WILLIAM D. MITCHELL,  
Attorney General.

The honorable the SECRETARY OF COMMERCE.



The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BINGHAM. I ask for the yeas and nays.

Mr. BRATTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll twice, and the following Senators answered to their names:

Allen	Glass	McCulloch	Shipstead
Bingham	Glenn	McKellar	Shortridge
Black	Goldsborough	McMaster	Simmons
Blaine	Greene	McNary	Steck
Blease	Hale	Metcalf	Steiwer
Borah	Harris	Norris	Stephens
Bratton	Hastings	Nye	Swanson
Brock	Hatfield	Overman	Thomas, Idaho
Capper	Hawes	Patterson	Thomas, Okla.
Caraway	Hayden	Pittman	Tydings
Connally	Hebert	Ransdell	Vandenberg
Couzens	Howell	Reed	Walcott
Dill	Jones	Robinson, Ark.	Walsh, Mass.
Fess	Kendrick	Robinson, Ind.	Walsh, Mont.
Frazier	Keyes	Robison, Ky.	Waterman
George	King	Schall	Watson
Gillett	La Follette	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. A quorum is present. The question is on agreeing to the resolution.

Mr. BRATTON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a pair with the Senator from Maine [Mr. GOULD], which I transfer to my colleague [Mr. CUTTING], and will vote. I vote "yea."

Mr. GEORGE (when his name was called). I have a pair with the senior Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the senior Senator from Alabama [Mr. HEFLIN] and will vote. I vote "yea."

Mr. FESS (when Mr. MOSES' name was called). I desire to announce that the senior Senator from New Hampshire [Mr. MOSES] is paired with the junior Senator from Utah [Mr. KING].

Mr. PATTERSON (when his name was called). I have a general pair with the junior Senator from New York [Mr. WAGNER]. I understand that he would vote the same way that I shall vote. Therefore I feel at liberty to vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Jersey [Mr. KEAN] and will vote. I vote "nay."

The roll call was concluded.

Mr. BLEASE. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Kentucky [Mr. BARKLEY] and will vote. I vote "yea."

Mr. McKELLAR (after having voted in the affirmative). Has the junior Senator from Delaware [Mr. TOWNSEND] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. McKELLAR. I have a pair with that Senator. I transfer that pair to the senior Senator from Arizona [Mr. ASHURST] and will allow my vote to stand.

Mr. REED (after having voted in the negative). In order that I may be free to move a reconsideration, I change my vote from "nay" to "yea."

Mr. FESS. I desire to announce the following general pairs: The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. MOSES] with the Senator from Utah [Mr. KING];

The Senator from Oregon [Mr. McNARY] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Vermont [Mr. DALE] with the Senator from New York [Mr. COPELAND];

The Senator from Wyoming [Mr. SULLIVAN] with the Senator from Florida [Mr. TRAMMELL];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Illinois [Mr. DENEEN] with the Senator from Louisiana [Mr. BROUSSARD].

Mr. SHEPPARD. I desire to announce that the Senator from Florida [Mr. TRAMMELL], the Senator from Montana [Mr. WHEELER], the Senator from Arizona [Mr. ASHURST], and the Senator from Utah [Mr. KING] are detained on official business.

The result was announced—yeas 42, nays 23, as follows:

#### YEAS—42

Black	Caraway	Glenn	La Follette
Blaine	Connally	Harris	McKellar
Blease	Couzens	Hawes	McMaster
Borah	Dill	Hayden	Norris
Bratton	Frazier	Howell	Nye
Brock	George	Jones	Overman
Capper	Glass	Kendrick	Patterson

Pittman	Schall	Steiwer	Walsh, Mass.
Ransdell	Sheppard	Stephens	Walsh, Mont.
Reed	Shipstead	Swanson	
Robinson, Ark.	Simmons	Thomas, Okla.	

#### NAYS—23

Allen	Hale	Metcalf	Tydings
Bingham	Hastings	Robinson, Ind.	Vandenberg
Fess	Hatfield	Robison, Ky.	Walcott
Gillett	Hebert	Shortridge	Waterman
Goldsborough	Keyes	Steck	Watson
Greene	McCulloch	Thomas, Idaho	

#### NOT VOTING—31

Ashurst	Deneen	Kean	Smith
Baird	Fletcher	King	Smoot
Barkley	Goff	McNary	Sullivan
Brookhart	Gould	Moses	Townsend
Broussard	Grundy	Norbeck	Trammell
Copeland	Harrison	Oddie	Wagner
Cutting	Heflin	Phipps	Wheeler
Dale	Johnson	Pine	

So the resolution was agreed to.

#### EXECUTIVE MESSAGES

Sundry messages in writing were communicated to the Senate from the President of the United States by Mr. Latta, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, returned to the Senate, in compliance with its request, the following bills:

S. 476. An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes; and

H. R. 8296. An act to amend the act of May 25, 1926, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House insisted upon its amendment to the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. KINCHELOE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain reverted and reconveyed lands in the State of Oregon;

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 1251. An act for the relief of C. L. Beardsley;

H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

#### WHITE RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. I ask unanimous consent for the consideration of the bill (H. R. 10340) granting the consent of Congress to the Arkansas State Highway Commission to construct, maintain, and operate a free highway bridge across the White River

at or near Calico Rock, Ark., and that the bill be put upon its passage with sundry amendments that I propose and which are satisfactory to the Senator from Vermont [Mr. DALE].

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The amendments submitted by the Senator from Arkansas will be stated.

The amendments were, on page 1, line 4, after the words "to the," to strike out "Arkansas"; in the same line, after the name "State Highway Commission," to insert "of Arkansas"; in line 5, before the word "bridge," to strike out "free highway"; in line 7, after the word "the," to strike out "interest" and insert "interests"; in line 10, after the figures "1906," to insert a comma "and subject to the conditions and limitations contained in this act"; after line 10, to insert:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenues received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the Arkansas State Highway Commission, and shall be available at all reasonable times for the information of all persons interested.

And on page 2, line 1, to change the section number from 2 to 3, so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Calico Rock, Ark., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient (1) to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches; (2) the interest on borrowed money necessarily required and financing charges necessarily incurred in connection with the construction of the bridge and its approaches; and (3) to provide a sinking fund sufficient to retire the bonds issued and sold in connection with such original construction. All revenues received from the bridge shall be applied to the foregoing purposes, and no bonds issued in connection with the construction of the bridge and its approaches shall be made to mature later than 20 years after the date of issue thereof.

After a fund sufficient to retire such bonds in accordance with their provisions shall have been so provided, the bridge shall thereafter be maintained and operated as a free highway bridge upon which no tolls shall be charged. An accurate and itemized record of the original cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, the interest charges paid, and the tolls charged and the daily revenues received from the bridge shall be kept by the Arkansas State Highway Commission, and shall be available at all reasonable times for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Calico Rock, Ark."

#### HOUSE BILL REFERRED

The bill (H. R. 2152) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquir-

ing and diffusing useful information regarding agriculture, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

#### WATER-RIGHT CHARGES ON FEDERAL IRRIGATION PROJECTS

Mr. WALSH of Montana. The bill (H. R. 8296) to amend the act of May 25, 1920, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," has been returned from the House and is on the Secretary's desk. I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be recommitted to the Committee on Irrigation and Reclamation.

The VICE PRESIDENT. Without objection, that order will be made.

Mr. WALSH of Montana subsequently, from the Committee on Irrigation and Reclamation, to which was recommitted the bill (H. R. 8296) to amend the act of May 25, 1920, entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," reported it with amendments and submitted a report (No. 658) thereon.

#### ADDITIONAL DISTRICT JUDGE FOR MINNESOTA

Mr. SHIPSTEAD. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 5411) to provide for the appointment of an additional district judge for the district of Minnesota.

Mr. ROBINSON of Arkansas. I understand that this is a unanimous report from the Judiciary Committee?

Mr. SHIPSTEAD. It is.

Mr. ROBINSON of Arkansas. The bill has been pending for some time, and I have no objection to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, an additional district judge of the District Court of the United States for the District of Minnesota, who shall reside in said district and whose compensation, duties, and powers shall be the same as now provided by law for the judges of said district. A vacancy occurring at any time in the office of district judge created by this act is authorized to be filled.

SEC. 2. This act shall take effect from and after its approval.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARKER FOR COL. BENJAMIN HAWKINS IN CRAWFORD COUNTY, GA.

Mr. FESS. From the Committee on the Library I report back favorably without amendment the bill (H. R. 10579) to provide for the erection of a marker or tablet to the memory of Col. Benjamin Hawkins at Roberta, Ga., or some other place in Crawford County, Ga., and I submit a report (No. 657) thereon. I call the attention of the Senator from Georgia [Mr. GEORGE] to the bill.

Mr. GEORGE. I ask unanimous consent that the bill may be put upon its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to erect a marker or tablet at Roberta, Ga., or at some other place in Crawford County, Ga., upon a site to be furnished without expense to the Federal Government, commemorating the life and public service of Col. Benjamin Hawkins.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500, or so much thereof as may be necessary, to carry out the provisions of this act.

SEC. 3. That the plan and design of such memorial shall be subject to the approval of the National Commission of Fine Arts.

SEC. 4. The title to the land deemed appropriate for the site of this monument shall be vested in the city of Roberta, Ga., and care of the site and monument shall be without expense to the Federal Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ORDER FOR ADJOURNMENT TO MONDAY

Mr. FESS. Mr. President, I ask unanimous consent that at the conclusion of its business to-day the Senate shall take an adjournment until noon on Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.



## ANNIVERSARY OF DEATH OF WILLIAM SHAKESPEARE

Mr. CONNALLY. Mr. President, I ask permission to have inserted in the RECORD a communication appearing in the Dallas News relating to the three hundred and fourteenth anniversary of the death of William Shakespeare.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the Dallas (Tex.) News, April 23, 1930]  
GREAT WAS SHAKESPEARE

## To the News:

Wednesday, April 23, marks the three hundred and fourteenth anniversary of the death of William Shakespeare. It is interesting to know that the poet died on his birthday, at the age of 52 years, and that he should have accomplished so much during his life that has so vitally influenced the thought of the world down through the intervening centuries. So far as I have been able to learn, he had but scant opportunities in the way of education, for we know he was not a college-trained man. By some upheaval of nature he was brought into the world with a brain and character endowed to exercise those finer qualities which others were unable to acquire in the schools and colleges. In other words, he grew up an educated man, and nature did for him all and more than others were able to do by means and opportunities of education. If any mere secular poet were ever a prophet, it was he.

He stood, it seems, in the center of human life and saw it in all directions, and wisely appraised human character in all its varieties and phases. Generally, when critics and other students of his art have written of him and his many-sided genius, they have contented themselves with his finer sayings, which are admittedly the sweetest in any language and the wisest in all literature. In 1917 the writer delivered a lecture in Kansas City before a group of theological students on Human Life in Shakespeare. In the course of the lecture he gave some of the sayings found in the plays which have been interwoven into our everyday language and which have become a common heritage bequeathed to those of us who speak the English tongue and yet, ordinarily, do not know how these phrases came to be engrafted into the common stock.

I am giving below a number of these sayings which I have culled from the plays from time to time during a period of 30 years' study of the dramas. Many of them I have heard since I was a child living out in a country district, but I did not know then of their age nor the source from whence they came. I give below the quotations:

"Led by the nose," "Misery acquaints a man with strange bed-fellows," "Care killed a cat," "Tell a lie and swear it," "Something is rotten in the state of Denmark," "I'd rather be a dog and bay the moon," "In the name of truth," "Tell the truth and shame the devil," "My hair doth stand on end," "As true as steel," "Cheek by jowl," "Dead as a doornail," "Take you down a buttonhole lower," "Thereby hangs a tale," "We burn daylight," "This is the short and long of it," "I will make him dance," "There's a time for all things," "My cake's dough," "Whip the devil round the stump," "I know a trick worth two of that," "This house is upside down," "Dog will have his day," "You base football player," "Not a whit," "Foamed at the mouth," "The weakest goes to the wall," "The wild goose chase," "My fingers itch," "Truth will come to light," "In the twinkling of an eye," "All that glitters is not gold," "Ten to one," "Twenty to one," "It makes him or it mars him," "So woe-begone," "Not a hair amiss," "He hath eaten me out of house and home," "He will not budge a foot," "The devil rides upon a fiddlestick," "How the world wags," "He was perfumed like a milliner," "Mad as a March hare," "The fat's in the fire," "From stem to stern," and "From post to pillar."

Space forbids that I give other quotations. These are sufficient to show the influence of his writings in the development of our language. I do not know whether he invented these phrases or gathered them out of the vernacular or common talk of the times in which he lived. In either case, it is remarkable that these ordinary household words, or expressions, should have survived throughout the centuries. As is well known, the Elizabethan period of English history is given as the golden age of our literature, and out of that olden time have come these expressions, which we use daily, without giving a thought as to their origin or whence they came. My mother, when I was a child, used to say to me that she would "take me down a buttonhole lower," and I am reasonably sure she never read one of the plays. I know that by many people Shakespeare is considered out of date. Those who so consider, as a rule, are they who do not know much about him. It is a good alibi for ignorance.

C. O. JAMES,  
Sulphur Springs, Tex.

## RADIO ADDRESS ON L. Q. C. LAMAR

Mr. STEPHENS. Mr. President, L. Q. C. Lamar was great in every field of service that he entered. To indicate the many public and political activities in which he engaged, I call atten-

tion to the following facts which are copied from the Biographical Congressional Directory:

Elected as a Democrat to the Thirty-fifth and Thirty-sixth Congresses, and served from March 4, 1857, until his retirement in December, 1860, to become a member of the secession convention of Mississippi, January 9, 1861; served in the Confederate Army as lieutenant colonel and colonel in the Nineteenth Mississippi Regiment; in 1863 entered the diplomatic service of the Confederacy on a special mission to Russia, France, and England; in 1866 elected professor of political economy and social science in the University of Mississippi, and in 1867 professor of law; reelected to the Forty-third and Forty-fourth Congresses (March 4, 1873 to March 3, 1877); elected to the United States Senate; reelected, and served from March 4, 1877, to March 6, 1885, when he resigned; Secretary of the Interior in President Cleveland's Cabinet from March 6, 1885, to January 10, 1888, when he resigned; appointed by President Cleveland Associate Justice of the United States Supreme Court December 6, 1887; confirmed January 16, 1888, took his seat upon the bench two days later, and served until his death in Vineville, Ga., January 23, 1893.

His eulogy on Charles Sumner attracted the attention of the Nation, caused him to be acclaimed as one of the great orators, and did much toward the creation of a better feeling between the North and South.

Recently, in the city of Jackson, Miss., Hon. Edgar S. Wilson, a journalist of wide reputation, delivered an address on Senator Lamar. He spoke from an intimate knowledge of the man, as they were friends of long standing, and he had served as secretary to Senator Lamar while he was a Member of this body. Mr. Wilson not only has a broad knowledge of general history but also has a large acquaintance with much of the unwritten history of Mississippi and the Nation. I ask that his speech as reported in the Brandon (Miss.) News, April 10, 1930, and comments thereon, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From the Brandon (Miss.) News, April 10, 1930]

EDGAR WILSON, GREAT WRITER, IN BROADCAST—SOUTH'S GREATEST HISTORIAN REVIEWS LIFE OF LAMAR—ELECTRIFIES MORE THAN A MILLION SOUTHERNERS IN MASTERFUL ADDRESS TUESDAY NIGHT

(EDITOR'S NOTE: The following impromptu address of Hon. Edgar S. Wilson over radio station WJDX, the Lamar Life Insurance station, last night was taken in shorthand by M. L. Winn, editor of the Brandon News. Mr. Wilson's tribute to the great Lamar will pass into history as a masterpiece; in fact, only an Edgar Wilson is capable of such a tribute. The publisher of this paper is honored to reproduce in his columns the full text which appears below.)

It seems peculiarly appropriate that I should speak of L. Q. C. Lamar in the Lamar Life Building. The Lamar Life Building is the wonder and admiration not only of the people of Jackson and Mississippi but of the South. This 11-story building was completed by the Lamar Life Insurance Co. in December, 1924, free from encumbrance and an asset to all its policyholders. In its successful career the Lamar Life has run true to its name—the idol of Mississippi and Mississippians—L. Q. C. Lamar. The Lamar Life Insurance Building stands immediately across Capitol Street from the executive mansion of Mississippi.

## HOW THE MEMORIES TROOPED

Senator Lamar told me one night in Washington of his election to Congress in 1873, and of a most remarkable interview he had with Gen. Benjamin F. Butler, then a Congressman from Massachusetts. General Butler was the father of Blanche Butler, the wife of Governor Adelbert Ames, the carpetbagger, who occupied the executive mansion of Mississippi just across the street from the Lamar Life Building. He said:

"I could not take the oath of office as Congressman because my political disabilities had not been removed, and I came to Washington. I wanted to see General Butler. I hesitated to send my card up to his room. I apprehended on account of the fierce sectional feeling he would decline to see me. I located Butler's hotel. I went up to his room and knocked on the door. 'Come,' said Butler. I entered. Butler rose and said, 'Why, it's Lamar. I haven't seen you since the Charleston convention. Sit down.'"

"'No,' I replied, 'I'm not going to sit down, Butler. Butler, I have been elected to Congress. I can't take the oath. My political disabilities have not been removed. I am broken in health and in fortune. I have borrowed money to pay my railroad fare to Washington, and I have come to ask the old he-devil himself what my fate is to be.'"

Lamar had resigned his seat in the Federal Congress at the outbreak of the war between the States. He was chairman of the committee of the secession convention of Mississippi, which prepared the ordinance taking the State out of the Union. He had cast his sword with the Confederacy.

"Why, Lamar," replied Butler, who, by the way, had voted for Jefferson Davis 57 times in the Charleston convention, and who had afterwards become one of the most rabid Republicans in either branch of Congress, "you oughtn't to talk that way to me. I am not as bad as Oliver P. Morton, of Indiana, or Ben Wade, of Ohio."

"Yes, you are," replied Lamar, "you are worse than the whole Republican brood; worse because you've got more sense than the whole damned outfit, including Thad Stevens, who, I hear, was buried at his own request in a negro cemetery."

"Sit down, Lamar," persisted Butler.

"I'll not do it," replied Lamar, "until I know what you are going to do."

"Lamar," asked Butler, "what is the relationship between yourself and Gen. George C. McKee?"

McKee was a Member of Congress from the capital district of Mississippi, and far and away the ablest man in the then solid Republican congressional delegation from Mississippi.

"Not unpleasant," responded Lamar.

"Very well," said Butler, "if McKee doesn't oppose the bill for the removal of your disabilities, I feel confident that it can be passed."

McKee did not oppose the removal of Lamar's disabilities but advocated the same. Lamar's disabilities were removed and he took his seat as a Member of the Federal House of Representatives, from which he had resigned to put on a Confederate uniform. As a token of appreciation Lamar presented Congressman McKee with a handsome gold cane, on which was inscribed: "George C. McKee, from L. Q. C. L."

These words are spoken in the Lamar Life Building directly over the room in which General McKee died, and that gold-headed ebony cane which Lamar gave McKee is in my wardrobe, having been given to me because of my relationship to Lamar at the request of General McKee.

Lamar delivered wonderful eulogies, on Robert E. Lee in 1870, and one on Charles Sumner in 1874. In his eulogy on Lee he contrasted the characters of Lee and Washington—the soul of Washington being pure and cold like the Alpine Glacier, the soul of Lee limpid and warm like the waters of the Indian Ocean.

When Lamar rose in the Federal House of Representatives in 1874 to deliver his eulogy on Charles Sumner, of Massachusetts, he was confronted by an audience of the most distinguished men of the Nation. The galleries were crowded with visitors, amongst whom were numbered members of brilliant diplomatic corps from all over the enlightened world. The House itself was thronged. On one side friends, full of misgivings; on the other opponents, cold, curious, critical. The speaker was a "fire eater" of long ago. The odor of "rebellion" hung about him. A secession Democrat, yet he stood there by a suffrage in which both negro and Republican voters participated. It was an epoch in itself—his presence there, and on such an occasion. He was in the prime of life, full of vigor and physical power. His voice was full and clear, well modulated and pitched to suit the gravity of the occasion. He spoke simply, with little use of the arts of the orator.

As he proceeded with the address it was evident that something unusual was going on. The House became hushed and revered. The faces of the Members of the vast auditory were turned, rapt and attentive, upon the speaker, as he stood in an attitude of easy grace, in the first aisle beyond the center on the left of the Chamber. The stillness of the House and galleries became oppressive. Speaker Blaine sat motionless, his face turned away with tears stealing down his cheeks. On both sides of the House Members wept. The scarred veterans of a hundred fields and the callous actors in a hundred debates, Democrats and Republicans, alike, melted into tears. Said one spectator, afterwards, "Those who listened sometimes forgot to respect Sumner in respecting Lamar." When he closed all seemed to hold their breath as if to prolong a spell; then a spontaneous burst of applause broke out from all the floor and the galleries, coming up heartily and warmly especially from the Republican side. Such a thing as Democrats and Republicans uniting in a hearty and sympathetic applause for the same speech had never been heard before; and the Speaker, gavel in hand, did not attempt to check it. "My God," exclaimed Lyman Tremaine, of New York, rushing up to Mr. Kelly, of Pennsylvania, with tears in his eyes, "what a speech! And how it will ring through the country." And so it was that Mr. Lamar, before distinguished, now leaped into fame. On the next day he wrote to his wife, "I have never in all my life opened my lips with a purpose more single to the interest of our southern people than when I made this speech. I wanted to seize an opportunity when universal attention could be arrested and directed to what I was saying, to speak to the North in behalf of my own people. I succeeded fully, but not more fully than I anticipated. I will send you letters which will show you what a tremendous revolution of feeling it has brought in Boston and New York toward the South. I did not aim at rhetorical or personal success so earnest and engrossing was my other subject; but the rhetorical triumph was as prodigious as it was unexpected. One of the most gratifying features of the occasion was that my son was in the gallery and witnessed the greatest triumph his father ever won."

Tremaine was right. The speech did "ring around the country." It was a marked tribute to it that among all those delivered in the two Houses by Members representing the various sections of the Union this

alone was sent to all parts of the country by telegraph. The newspapers were full of it. "How suddenly," said the Memphis Appeal, "L. Q. C. Lamar has become famous—famous above all American orators and statesmen. His funeral eulogium upon Charles Sumner was printed in every newspaper in America. It went into the 'patent outsides' and passed thence into the school readers." Samuel J. Randall, of Pennsylvania, chairman of the congressional Democratic committee, afterwards Speaker of the House, wrote the Clarion of Jackson, Miss., as follows: "Lamar has just finished his Sumner speech. It was a wonderful success. He said exactly what ought to have been said. The House was electrified. All parties are pleased because it kindled a sentiment that rises higher than party factions. It will do a great deal of good."

Ten years after the delivery of the Sumner oration in the House of Representatives, James G. Blaine, who was then Speaker of that body, who wept while Representative Lamar spoke, in his Twenty Years of Congress thus referred to the Sumner eulogy:

"A singular interest was added to the formal eulogies of Mr. Sumner by the speech of Mr. Lamar, of Mississippi, who had just returned to the House of Representatives, which he left 13 years before to join his State in secession. It was a mark of positive genius in a southern Representative to pronounce a fervid and discriminating eulogy upon Mr. Sumner, and skillfully to interweave with it a defense of that which Mr. Sumner, like John Wesley, believed to be the sum of all villainies. Only a man of Mr. Lamar's peculiar type could have accomplished the task. He pleased the radical and antislavery sentiment of New England. He did not displease the radical proslavery sentiment of the South."

Of the Sumner speech the Illustrated American said:

"The House listened entranced to his Sumner eulogy. The country read with awe and admiration a tribute so earnest, so graceful, so truthful, so imbued with lofty sentiments, that, insensibly, the soul of the man lost seemed to be found in the man that perpetuated his memory. The heart of the land went out to Lamar. The 'bloody-shirt' became a byword and scorn. The warriors of peace that had traded upon the agonies of war were discredited and contradicted forever. Lamar had closed the gaping chasm of civil war. Never in the history of civil convulsion was the single voice of honor so potent; never was the magnanimous impulse of manhood so generously accepted, so generally understood. From the hour of the Sumner eulogy until the hour of his death Lamar meant to the South the voice that had stilled factions, restored constitutional rights; to the North the intellect that had penetrated the darkness of northern doubt. This surely was a great rôle to play. To bring distrusting, self-destroying millions together; to make the multivary covenant of the Appomattox apple tree the broad charter of a reunited people. Lamar's speech did that, for though the powers of partisan darkness held sway a little longer, the heart of the North had been too deeply touched; and in 1874 the miscreant régime of carpetbag anarchy in the South began to topple and it fell with a crash in 1876. It is, therefore, as the inspired pacificator that Lamar will stand out unique, almost incomprehensible, to other times when those that knew the incredible baseness of the policies that followed the war."

The refusal of Senator Lamar to obey the instructions of the Mississippi Legislature and vote for the Stanley Matthews free silver resolution angered his adversaries in the State and challenged the admiration of his friends. This resolution had already been discussed by the Senate and Senator Lamar had made a speech in opposition to it. When it came up on its final passage in the Senate, the Mississippi Legislature, being in session, instructed its Senators, L. Q. C. Lamar and Blanche K. Bruce, the negro Republican Mississippi Senator, to vote for it. The resolution was passed by the Democratic Legislature of Mississippi and was sent to Senators Lamar and Bruce. When it came up on its final passage in the Senate, Bruce, the negro Senator, obeyed the instructions and voted for it. When the name of Lamar was called, he rose in his place and stated that having already expressed his deliberate opinion at some length he would not trespass upon the attention of the Senate further. He had, however, he said, one other duty to perform; a very painful one, he admitted, but one which was none the less clear. Mr. Lamar held in his hand the resolution of instruction of the Mississippi Legislature which he asked to be read by the Secretary of the Senate. When the Secretary had finished reading the resolution, Mr. Lamar said:

"Mr. President, between these resolutions and my convictions there is a great gulf. I can not pass it. Of my love of the State of Mississippi I will not speak; my life alone can tell it. My gratitude for all the honor her people have done me no words can express. I am best proving it by doing to-day what I think their true interest and their character require me to do. During my life in that State it has been my privilege to assist in the education of her youth, to have given the impulse to wave after wave to the young manhood that has passed into the troubled sea of her social and political life. Upon them I have always endeavored to impress the belief that truth was better than falsehood, honesty better than policy, courage better than cowardice. To-day my lesson confronts me. To-day I must be true or false, honest or cunning, faithful or unfaithful to my people. Even in this hour of their legislative displeasure and disapprobation I can not vote



as these resolutions direct. I can not and will not shirk the responsibility which my position imposes. My duty, as I see it, I will do, and I will vote against the resolution.

"When that is done my responsibility is ended. My reasons for my vote shall be given to my people. Then it will be for them to determine if adherence to my honest convictions has disqualified me from representing them; whether a difference of opinion upon a difficult and complicated subject to which I have given patient, long-continued, conscientious study, to which I have brought entire honesty and singleness of purpose, and upon which I have spent whatever ability God has given me, is now to separate us; whether this difference is to override that complete union of thought, sympathy, and hope which on all other and, as I believe, even more important subjects, bind us together. Before them I stand or fall; but be their present decision what it may, I know that the time is not far distant when they will recognize my action to-day as wise and just; and, armed with honest convictions of my duty, I shall calmly await results, believing in the utterances of a great American who never trusted his countrymen in vain, that 'truth is omnipotent, and public justice certain.'" Lamar returned to Mississippi, made six or eight speeches and was reelected by the legislature of 1882, with only one dissenting vote.

One night in the Senate Lamar scarified Roscoe Conkling, of New York, for life, and left him with burning yet deferential resentment. Conkling imputed bad faith to Lamar. Whereupon Lamar replied that it was not his habit to indulge in personalities. "But when the Senator from New York intimated anything inconsistent with perfect good faith, he uttered a falsehood which I repel with all the unmitigated contempt that I feel for the author of it."

In the Senate Conkling had had no rivals. No one challenged him. If any one differed from him, it was with deference, almost timidity. To be called a liar and denounced as an object of unmitigated contempt in the forum of his most imposing triumphs, before crowded galleries, by a Confederate colonel was an indignity that seemed incredible. Had a dynamite bomb exploded in the gangway of the brilliantly lighted Chamber the consternation could hardly have been more bewildering. Conkling acted like one stunned. He became pallid and then flushed again. He hesitated and floundered pitifully. He pretended at first not to have heard the insult and asked Lamar, in effect, to repeat it. Lamar stated his position, and in conclusion, said:

"I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh. It was very severe. It was such as no good man would deserve and no brave man would wear."

Conkling resigned in a patronage quarrel with President Garfield, expecting the New York Legislature to reelect him. It failed to do so, and "his life afterwards was a prolonged monologue of despair. To-day he is a splendid reminiscence. His name is a tradition." During a snow blizzard in New York in 1888 Conkling declined to pay a cab driver \$50 to take him home. In walking home he contracted pneumonia from which he died.

Senator Lamar also severely wounded Senator Hoar, of Massachusetts, in a verbal duel. The Senate had under consideration a bill pensioning surviving veterans of the Mexican War. An amendment was offered by Senator Hoar which contained these words: "Provided further, That no pension shall ever be paid under this act to Jefferson Davis, the late President of the so-called Confederacy." This amendment precipitated a crisis. Southern Senators, one after another, stated that they stood in the same position in which Jefferson Davis stood, and that every man in the South who believed in secession stood in the same position, and that if Jefferson Davis was a traitor they were all traitors.

Senator Garland, of Arkansas, eulogized Jefferson Davis, and called attention to the courage which Davis had exhibited on the Mexican battle fields, to which Senator Hoar replied: "Two of the bravest officers in our Revolutionary War were Aaron Burr and Benedict Arnold."

At this juncture Senator Lamar, tremulous with indignation, sprang to his feet, and said:

"It is with supreme reluctance that I rise to say a word on this subject. I must confess my surprise and regret that the Senator from Massachusetts should have wantonly, without provocation, flung this insult." Senator Hoar interrupted to explain that in making his motion to exclude Jefferson Davis, said that he had not thought any others stood in the same position as Mr. Davis. "I should not have moved," said he, "to except the gentleman from Mississippi from the pension roll."

Senator Lamar insisted that there was no difference. He defended Jefferson Davis from the charge of treason which had been urged in the debate, and said: "I say this as a Union man to-day. Senator Hoar intended to affix—I will not say intended, but the inevitable effect of it was to affix—upon this aged man, this man broken in fortune, suffering from bereavement, an epithet of odium, an imputation of moral turpitude. Mr. President, it required no courage to do that. It required no courtesy. It only required hate, bitter, malignant, sec-

tional feeling, and a sense of personal immunity. The Senator, I believe, takes rank among the Christian statesmen. He might have learned a better lesson from the pages of heathen mythology.

"When Prometheus was bound to the rock it was not an eagle but a cowardly vulture that buried his beak in the tortured vitals of the victim," pointing toward Hoar. I have been told that Lamar's gesture when he used the word "eagle" was so like that of an eagle that one could almost see the wings of that proud bird.

Lamar was an ardent champion of white supremacy. During the reconstruction saturnalia in Mississippi a proposition was made to invite a sufficient number of "good negroes" of the State into the Democratic Party and make it numerically strong enough to defeat the carpetbaggers, scalawags, and bad negroes. In a speech in the courthouse at Raymond, Hinds County, Miss., Lamar climaxed his reprobation of the proposition by dramatically pouring a drop of ink into a glass of water, instantly turning the water black. So it is to-day. If the white people shall continue to rule Mississippi and the South, they must stand together. There can be no two "white parties" where there is a negro electorate flitting from one to the other. Political cupidity and self-aggrandizement will seek negro votes. The negro will go to the "white party" which will give him the best terms, and ere long the negro will be demanding and getting municipal, county, legislative, and State offices.

In 1884 Lamar sent me a telegram requesting me to come to Washington. On arriving there, he informed me that he wanted me to be his secretary. I expressed surprise and thanked him for the great compliment, but told him that I was not fitted temperamentally or clerically to be the secretary of anyone. He replied:

"We will get a stenographer to do the clerical work, and I like your temper," having in mind perhaps the fact that I had severely slapped the face of a notorious editorial blackguard who had vilified him and wantonly attacked me, as his friend. He urged me to become his secretary, stating that he desired my counsel and cooperation in the distribution of Federal patronage under the Cleveland administration, which he expected largely to control. He was gracious enough to say that I was the most consummate organizer he had ever known. I finally agreed to accept the position. Lamar was 33 years my senior. During the last 12 years of his life our relations, personal and political, were very close.

When President Cleveland appointed Senator Lamar Secretary of the Interior Lamar tendered me the choice of appointments in Washington. I thanked him and told him that I wanted to return to Jackson and look after my newspaper, which had suffered because of my absence. Putting his arm around me, he said:

"Then our official relations are asunder to-night, but our personal relations can only be sundered by the cruel intervention of the grave."

His daughter, lovely Jennie Lamar, came from college while I was in Washington, and she and my wife became good friends. The night before Lamar went from the Senate to the Cabinet we were in his home and he said:

"I have a present for you girls," handing his daughter and my wife each a beautiful gold ring which he had had made for them. On the rings were forget-me-not. Inside was "L. Q. C. L., March 5, 1885." Dear Jennie Lamar is dead. My wife still has her ring and esteems it as one of her most sacred treasures.

At a dinner given me at the Pendenis Club in Louisville by Hon. Henry Watterson, himself an intellectual giant, he stated that Lamar was the ablest man he ever saw in this country or in Europe. Lamar went from the House of Representatives to the Senate, from the Senate to the first Cleveland Cabinet; and was translated later by President Cleveland to Associate Justice of the Supreme Court of the United States. He was the first Confederate soldier to wear the ermine of that court. After Mr. Lamar's death Chief Justice Melville W. Fuller said that he rendered few decisions, but was invaluable in consultation; that his mind was the most suggestive he had ever known and there was not one of the members of the court but had drawn from his inexhaustible store.

President Cleveland told me that the conformation of Mr. Lamar's mind was such that he could not reach a wrong conclusion on any subject.

Lamar was a native of Georgia. He served in the legislature in that State before coming to Mississippi. He died in Vineville, a suburb of Macon, Ga., January 23, 1893, and was temporarily interred in Riverside Cemetery at Macon. His remains were reinterred in St. Peter's Cemetery at Oxford, Miss., in 1894. I believe that when L. Q. C. Lamar passed from the stage of living men he did not leave his peer. His life was a national benefaction. To me his memory is an incense.

#### CRIME CONDITIONS

Mr. BLACK. Mr. President, I present two letters printed in a recent issue of the Birmingham (Ala.) News, headed "Moral Bankruptcy" and "Prohibition Is Making Criminals," which I ask leave to have published in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

## MORAL BANKRUPTCY

To the EDITOR THE BIRMINGHAM NEWS:

The statement made by a prominent athletic coach of Princeton University before a committee of the United States Senate a few days ago, in which he described the prevalence of excessive drinking among college men and women at this time, was an arresting and poignant one. It was clearly an honest statement of the facts as he has seen them. Whether wet or dry in our sympathies, we recognize these conditions as being of the most sinister and alarming character. He who discloses such data renders the public a service.

But in asserting that "prohibition" is to blame for what he observes, this fine fellow enters upon debatable ground, and one may be justified in suggesting a different explanation. Excluding what might be said as to the colleges and their discipline, or lack of it, and considering the students only, the writer believes that these young people are the victims of a ghastly moral breakdown on the part of us older men and women.

We know—we who are older—how prohibition came about in this country. We know that it resulted from a conviction, born of long experience, that the liquor business is an infamous and sordid thing. We saw that the saloon, wherever it flourished, was a prolific source of crime, vice, insanity, pauperism, and disease. We knew then, and know now, that drink is a corruptor of morals and a physical poison. But does the younger generation know these things; and if not, whose is the responsibility?

When young people see bankers, merchants, professional men and captains of industry drinking contraband whisky; when young women see those whom they regard as social leaders serving and drinking it; when personal liberty is placed above every ethical consideration by the very ones to whom they would naturally look for advice, and when the lips of their own parents offer no wiser counsel than a sneer about prohibition, is it strange that boys and girls go out to face life with such a tragic ignorance of its dangers? It was said by a wise teacher of old: "If a man's son ask for a fish, will he give him a serpent?" The question seems to answer itself, but in the light of what some modern fathers are doing, one is not so sure.

It is an ironic situation indeed when fathers and mothers who have defaulted in carrying out their sacred obligations to the children they brought into the world are attempting to throw the whole country into moral bankruptcy. We may repeal prohibition, if and when sufficient reasons are shown, but it will not be because some degenerate American universities are turning boys and girls into sots; nor will it be because a certain class of parents are seeking a convenient alibi for their own pitiful lack of courage, decency, and self-control.

W. C. VAIL.

BIRMINGHAM, May 3.

## PROHIBITION IS MAKING CRIMINALS.

To the EDITOR THE BIRMINGHAM NEWS:

The statement which furnishes the caption of this article is one often made with simulated concern and almost tearful earnestness by certain of our fellow citizens. Investigation brings the interesting revelation that those who utter it so vehemently have in the past, with few exceptions, resisted practically every effort made to correct the evils and curb the lawlessness of the legalized liquor traffic. An outraged public, despairing of ever regulating it, rose up in nationwide indignation and outlawed the life-wrecking business.

Just now our country is distressed and appalled by a crime wave. Criminals stalk the streets and ply their trade by night and even by day. Petty theft is rampant, unarmed and unsuspecting citizens are held up on the streets, women are robbed of valuables and subjected to indignities, peaceable places of business are invaded by men bearing deadly weapons, and the least show of resistance or even hesitation is met by brutal assault, sometimes with mortal results. "All I know is what I read in the papers."

What is the remedy? Easy enough! Our laws against such crimes should be repealed or greatly modified without delay. Mutiny is breaking out in many of our penal institutions. What shall we do? Why, release the criminals upon society and have done with the imprisonment of men for the violation of laws which they do not approve. How cold-blooded and cruel to shoot them down if they brain a few guards and make a break for liberty!

If you ask the officers of the law, they will doubtless admit that none of our laws are enforced perfectly, or can be. The officers are doing their best, but crime goes on. The only answer seems to be for orderly government to surrender, and to repeal or ignore laws which can not be wholly enforced. The laws are making criminals at an alarming rate.

Foolish, you say? Indeed, it is. But if the argument (?) is valid at all, clearly prohibition is not the only offender in the matter of making criminals.

It is estimated that prohibition enforcement is about 60 per cent effective, while the law against highway robbery scores a bare 15 per cent in enforcement.

If the prohibition laws were repealed to-morrow, we would still have our wretched crime wave, of theft, robbery, assault, and murder.

Do the laws passed for the protection of society and the well-being of our citizens make criminals? Some say, "Yes; if it happens to be a law that seeks to repress the dangerous and deadly liquor traffic."

May we not follow the leading of logic and conclude that all crime is a condemnation of law and that all criminals are made by law?

Such assertion seriously made would be rightly regarded as a travesty on logic and an abuse of public intelligence.

If such a statement is untrue, it is totally untrue. It is either true of all law or it is not true of any law. There is no other alternative.

HENRY M. STEVENSON,

Pastor First Methodist Church.

JASPER, ALA., May 1.

JUDGE JOHN J. PARKER

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Baltimore Sun of Thursday, May 8, 1930, entitled "Judge Parker's Defeat"; also an editorial appearing in the New York Times of Thursday, May 8, 1930.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorials are as follows:

[From the Baltimore Sun, May 8, 1930]

## JUDGE PARKER'S DEFEAT

The Senate's rejection of Judge Parker as an Associate Justice of the Supreme Court represents primarily another phase of the revolt, which Mr. Hoover seems incapable of understanding, against the heavy preponderance on the highest court in the land of men of ultraconservative views. The revolt sprang up when Mr. Hoover nominated Chief Justice Hughes. Several facts increased the opposition to Judge Parker, but the principal reason that Hughes was confirmed while Parker is rejected is the difference in the standing and ability of the two men. Judge Parker had the added liability of obvious mediocrity. Instead of interpreting the fight against confirmation of Hughes as almost every other observer had interpreted it, Mr. Hoover chose to ignore its significance and proceeded to appoint a man as conservative as Hughes, but lacking his reputation and recognized distinction.

The result is before us, and it will be unfortunate if Mr. Hoover again fails to comprehend its essential meaning. That meaning is, it appears to us, that the recent intervention of the Supreme Court in questions of policy, not essentially legal in nature, has inspired a popular and far-reaching resentment at the manner in which the court has been loaded with men who, however great their legal attainments, seem out of sympathy with the necessities of their own time. "We do not want radical judges," says a weekly generally regarded as radical, "but we do want understanding judges." Instead of providing such a judge, Mr. Hoover produces what one of his own associates described as a "political master stroke." It proved a political blunder for the simple reason that Mr. Hoover again misread the temper of the time.

That Judge Parker's past attitudes on labor injunctions and the political fitness of the negro should be involved was natural, but the vote shows that these incidental issues were by no means controlling. So far as the negro matter is concerned, the roll call shows that of the 17 Republicans who voted against confirmation only 4 or 5 could be remotely suspected of being guided by Judge Parker's attitude on the race issue, whereas it may be suspected that most of the 10 Democrats who voted to confirm were guided largely by the negro question. In other words, if the negro question was a consideration at all, it worked out to the advantage of Judge Parker. The influence of the labor unions is so nebulous as to be virtually untraceable. Judge Parker was rejected because he does not measure up to the standard which the people, with increasing insistence, are setting for members of the Supreme Court of the United States.

There will be no disposition to rejoice over the discomfiture of Mr. Hoover or the disappointment of Judge Parker. The one owes his defeat to an ineptitude which seems insuperable; the other to the fact that political strategy, rather than the desire to strengthen the court, lay behind the administration's choice. Few men possess the rare gifts which alone should dictate their elevation to our highest judicial body. It was unfair to Judge Parker that he should be put forward as a candidate for a place which only men of the broadest sympathies, the deepest understanding, and the keenest awareness of the social and economic complex, which boils down to "law," should occupy.

[From the New York Times, Thursday, May 8, 1930]

## PARKER ONLY AN "INCIDENT"

It was more than once remarked in the course of the Senate debate on the nomination of Judge Parker that his personality was purely incidental to the great controversy. His private character and his judicial integrity were impeached by no one. Perhaps no man named for the Supreme Court ever had a more imposing list of indorsers. They included 2 United States circuit judges, 10 United States district judges,



many State judges, the president and 5 former presidents of the American Bar Association, 22 presidents of State and county bar associations, with hundreds of lawyers and other prominent citizens. Into the refusal of the Senate to confirm an appointment backed by such credentials powerful reasons must have entered. What were they?

Judge Parker's personal bearing throughout the contest must have influenced the decision against him. He showed himself too anxious, too small minded. He fairly rained letters and telegrams upon the Senate. His attitude was very far from that of a Judge wrapping his robes about himself in simple dignity and ignoring the strife of tongues and the ignoble clash of arguments over his nomination. Judge Parker neither held himself austere aloof nor meddled with propriety and effect. There can be no doubt that his activities, too much like those of a candidate for the office of sheriff, lowered the prestige both of the office which he sought and the office which he held.

His labor decision in one greatly controverted case was used against him with damaging effect. By some it was employed sincerely, but by many others simply as a crafty way of masking their real motives. No one can say how many Senators were persuaded, against their best judgment and their inclination, to vote against Judge Parker solely because they feared reprisals from organized labor in the next election if they voted for him. Similar was the case with the protests and threats made in the name of negro citizens. Several weak-kneed Senators evidently went down before them. As for those southern Senators who refused to vote for Judge Parker although they agreed heartily with his view of the present unfitness of negroes to hold high office, their motive seems to have been mainly not to pull chestnuts out of the fire for the embroiled Republicans.

Another factor in the rejection of Judge Parker is the growing determination of the Senate to assert its power, even to the point of arrogance, in all large matters of public policy and government. It is resolved to make the President keep his place. He must consult the real source of political power—the United States Senate—before venturing to make any large plans or to resolve upon any important appointments to office. This senatorial spirit would erect the "advice and consent" of which the Constitution speaks into an active and continuous dictatorship over the Executive. The case of Judge Parker is truly an "incident" in the old and persistent antagonism between the Senate and the White House.

Still another element in the failure of the President to secure confirmation for Judge Parker has sorrowfully to be noted. It was a desire to strike one more blow at Mr. Hoover. This was hardly a concealed motive on the part of the Republican Senators long recognized as insurgent and against the administration, but it drew in others. One is surprised to read the names of CAPPER, DENNEEN, and VANDENBERG among Republican Senators who voted against Judge Parker. This, of course, did not represent in them actual hostility to the President, but at least an unwillingness to support him at a critical hour when the administration was making superhuman efforts to rally all its friends. The result must be confessed to be a diminution of the authority and political reputation of President Hoover. People will ask what can be expected if such a rebuff can be administered to him in such a case. He sees the work and hopes of many weeks undone in a day by the Senate. Doubtless Mr. Hoover will apply himself with quiet philosophy to the next best thing to be done, but he can hardly help saying to himself, as he sees one piece of bad luck following another: "All these things are against me."

#### ABOLITION OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

The Senate resumed the consideration of the resolution (S. Res. 227) to amend the Senate rules so as to abolish proceedings in Committee of the Whole on bills and joint resolutions.

Mr. NORRIS. Mr. President, the question before the Senate now is the resolution of the Senator from Virginia [Mr. SWANSON], reported from the Committee on Rules. There has been considerable discussion in regard to the amendment suggested on page 3 of the resolution, which would strike out the words "voting with the prevailing side," and then would insert a proviso and one or two other amendments to make that applicable. The proviso applies only to amendments to bills, and a motion which can be made in regard to them to reconsider.

I think the general discussion which has taken place has shown that it is the practically unanimous opinion of those who have participated in the debate that the proviso should not be adopted. Objection has been made to striking out the words "voting with the prevailing side," the object being to liberalize and extend the right of Senators to make a motion to reconsider who do not possess it under the existing rules.

I think it is generally conceded that that broadens the rule too much. The objection which has appealed to me, and, I think, to other Senators, is that under existing conditions a Senator who happens to be out of the Chamber when some bill is passed, who wants to be heard on it, who did not know it was to be taken up, it being taken up in his absence, can not make a motion to reconsider under the existing rules. While the motion to reconsider can be made where no roll call is had, or, if a roll

call is had, it results in a tie vote, by anybody voting on either side, or not voting at all, where a motion has been decided on a roll call vote, the Senators who have the right to make a motion to reconsider are confined to those who voted on the prevailing side. That is on the theory, a very good theory, one which prevails in almost every parliamentary body, that every member of the body voted. But when that does not occur, as is frequently the case here, sometimes it results in an injustice to members of the body.

My motion is that, on page 3, strike out lines 4 and 5 and insert in lieu thereof the following: "In line 2 of said paragraph, after the words 'voting with the prevailing side,' insert 'or who has not voted.'" Strike out lines 8 to 21, both inclusive. That is the proviso. If the amendment is agreed to, the rule would then read as follows:

When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted on the same day—

And so forth. The rest would be as it is now. I offer that amendment.

Mr. SWANSON. Mr. President, the Senator who offered that amendment in the Committee on Rules has consented to the amendment now offered by the Senator from Nebraska.

One advantage of it is that a Senator might have been paired on a measure and his pair might have occasioned its passage. Under the existing rule he could not move to reconsider if he did not vote. I think this is a good amendment to the rule. It would allow anybody who might be absent when a measure was passed to have a matter reconsidered when he returns.

I accept the amendment proposed by the Senator from Nebraska as a part of the resolution.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The question is on agreeing to the amendment offered by the Senator from Nebraska to the committee amendment on page 3.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the adoption of the committee amendment, on page 3, as amended by the adoption of the amendment offered by the Senator from Nebraska.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the first committee amendment.

Mr. SWANSON. Mr. President, the object of that is to strike out the provision applying to treaties. I ask that the amendment be accepted.

The PRESIDING OFFICER. The present occupant of the chair is advised that the question now is upon the first committee amendment, and the clerk will state the amendment.

The CHIEF CLERK. On page 1, line 1, strike out the words "joint resolutions, and treaties" and insert the words "and joint resolutions."

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 4, strike out lines 18 to 25, and on page 5, lines 1 to 16, both inclusive, as follows:

*Resolved further*, That the second subdivision of paragraph No. 1 of Rule XXXVII of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following language on page 39, namely, "as in Committee of the Whole"; and by further striking therefrom the following language on page 40, namely, "and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate, when the question shall be, if the treaty be amended, 'Will the Senate concur in the amendments made in the Committee of the Whole?' And the amendments may be taken separately, or in gross, if no Senator shall object; after which new amendments may be proposed," so as to make the said subdivision read:

"When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration, after which it may be read a second time and considered, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed. At any stage of such proceedings the Senate may remove the injunction of secrecy from the treaty or proceed with its consideration in open executive session."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the resolution as amended.

Mr. DILL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. GEORGE in the chair, when his name was called). I have a general pair with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Alabama [Mr. HEFLIN] and vote "yea."

Mr. WATSON (when his name was called). Making the same transfer of my pair as previously announced, I vote "yea."

The roll call was concluded.

Mr. McKELLAR. I have a general pair with the Senator from Delaware [Mr. TOWNSEND], which I transfer to the Senator from Louisiana [Mr. BROUSSARD], and vote "nay."

Mr. BLEASE. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the Senator from Kentucky [Mr. BARKLEY] and vote "yea."

Mr. BRATTON. I have a pair with the Senator from Maine [Mr. GOULD], which I transfer to my colleague [Mr. CUTTING], and vote "nay."

Mr. KING (after having voted in the negative). I have heretofore voted in the negative; but finding that I am unable to obtain a transfer of my pair with the Senator from New Hampshire [Mr. MOSES], I withdraw my vote.

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is necessarily absent. He is paired with the junior Senator from Florida [Mr. TRAMMELL], who is also necessarily detained from the Senate. If my colleague were present, he would vote "yea," and if the junior Senator from Florida were present he would vote "nay."

Mr. FESS. I desire to announce the following general pairs: The Senator from Pennsylvania [Mr. GRUNDY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Vermont [Mr. DALE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from New Jersey [Mr. BAIRD] with the Senator from Montana [Mr. WHEELER]; and

The Senator from Illinois [Mr. DENEEN] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 48, nays 13, as follows:

#### YEAS—48

Allen	Goldsborough	McNary	Shortridge
Bingham	Greene	Norris	Simmons
Bleas	Harris	Nye	Swanson
Brock	Hastings	Oddie	Thomas, Idaho
Capper	Hawes	Overman	Thomas, Okla.
Caraway	Hayden	Ransdell	Tydings
Couzens	Hebert	Reed	Vandenberg
Fess	Howell	Robinson, Ark.	Walcott
Frazier	Jones	Robinson, Ind.	Walsh, Mass.
George	Keyes	Robison, Ky.	Walsh, Mont.
Glass	McCulloch	Sheppard	Waterman
Glenn	McMaster	Shipstead	Watson

#### NAYS—13

Black	Dill	La Follette	Stelwer
Blaine	Gillett	McKellar	
Bratton	Hatfield	Metcalf	
Connally	Kendrick	Schall	

#### NOT VOTING—35

Ashurst	Deneen	Kean	Smoot
Baird	Fletcher	King	Steck
Barkley	Goff	Moses	Stephens
Borah	Gould	Norbeck	Sullivan
Brookhart	Grundy	Patterson	Townsend
Broussard	Hale	Phipps	Trammell
Copeland	Harrison	Pine	Wagner
Cutting	Heflin	Pittman	Wheeler
Dale	Johnson	Smith	

The resolution as amended was agreed to, and it is as follows:

*Resolved*, That hereafter bills and joint resolutions shall not be considered as in Committee of the Whole, as heretofore required by the rules, and this stage of the parliamentary proceedings relating thereto is hereby abolished.

*Resolved further*, That paragraph No. 3 of Rule XIV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom the following words, namely: "as in Committee of the Whole," so as to make the paragraph read:

"3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day, nor debated, except for reference, unless by unanimous consent."

*Resolved further*, That Rule XV of the Standing Rules of the Senate be, and it is hereby, amended by striking therefrom paragraph No. 1, as follows: "1. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate as in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed"; and by striking from paragraph No. 2 the following: "and when again considered by the Senate it shall be as in Committee of the Whole"; so as to make said paragraph No. 2 read:

"2. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the calendar."

*Resolved further*, That paragraph No. 1 of Rule XIII of the Standing Rules of the Senate be, and it is hereby, amended as follows:

In line 2 of said paragraph, after the words "voting with the prevailing side," insert "or who has not voted."

So as to make the said paragraph read:

1. When a question has been decided by the Senate, any Senator voting with the prevailing side or who has not voted may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

#### CONSOLIDATION OF RAILWAY PROPERTIES

Mr. COUZENS. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 161) to suspend the authority of the Interstate Commerce Commission to approve consolidations or unifications of railway properties.

Mr. BINGHAM. Mr. President, is that the resolution which was reported adversely?

The PRESIDING OFFICER. The Chair is advised that the joint resolution was reported adversely with an amendment in the nature of a substitute.

Mr. HAWES. Mr. President, is the motion debatable?

The PRESIDING OFFICER. It is.

Mr. HAWES. Mr. President, the Committee on Interstate Commerce had before it a resolution introduced by the senior Senator from Michigan [Mr. COUZENS]. After hearing some testimony the resolution was abandoned and a second resolution was then introduced by the Senator from Michigan. After another hearing that resolution was abandoned. Then a third resolution was introduced by the Senator from Michigan, discussed, and when the committee voted there was a tie vote. The chairman of the committee and four members of the committee present voted in the affirmative, and by voting an absentee, there were six votes in favor of the resolution. Six members of the committee present voted against the resolution.

The chairman was requested to poll the absentees. Upon polling the absentees it was found that 9 members of the committee were opposed to the resolution, 6 were in favor of it, and 2 of the committee were qualifiedly in favor of it—that is, they were in favor of it with qualifications or if amended. So the resolution now comes to the Senate in the form of a minority report, and, strange as it may seem, the minority report was written by the chairman of the committee. No expression of opinion has been given or prepared by the majority of the committee so the adverse report which the Senate has before it was not prepared by Senators who opposed the resolution, but was prepared by Senators who favored it.

Mr. President, there was but one subject upon which the members of that great committee were unanimous and that was the protection of union labor or labor of any kind in the event of railway consolidations. In order to express the opinion of the committee in the form of an amendment to the law a subcommittee was appointed to draft a bill upon that subject. The subcommittee made a unanimous report in favor of an amendment to the law; the report was approved by the committee, and Senators will find that bill on the calendar as Order of Business 636, immediately following the measure as to which the Senator from Michigan has just made his motion. But, strange to say, Senate Joint Resolution 161, although here by virtue of a minority report, was given preference on the preference program. Although the majority leader of the Senate, a member of the Interstate Commerce Committee, and three other members of the committee which gives preference to bills were opposed to the bill, it has received this preferential treatment.

Mr. President, I send to the desk and ask to have read a letter from Mr. Joseph B. Eastman, chairman of the legislative committee of the Interstate Commerce Commission, who was requested to recommend a form of bill to be adopted by the committee.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.



The legislative clerk read as follows:

INTERSTATE COMMERCE COMMISSION,  
Washington, May 5, 1930.

Hon. HARRY B. HAWES,

United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with the request in your letter of May 3, I have given consideration to S. 4205, which undertakes to afford protection to labor in connection with railroad consolidations and acquisitions of control, and also to the suggested amendment to this bill prepared by Mr. Green. As a matter of form, it seems to me that the amendment to section 5 of the interstate commerce act which this bill proposes should not take the shape of an additional subparagraph, lettered (d), in paragraph (6), but should rather be a new paragraph (6A) to be inserted between paragraphs (6) and (7). I suggest this because paragraph (6) deals wholly with consolidations, and the lettered subparagraphs state the conditions under which consolidations shall be permitted. The protection to labor which S. 4205 is intended to afford, however, relates not only to consolidations under paragraph (6) but also to acquisitions of control under paragraph (2).

Upon consideration it seems to me that S. 4205 can be drafted in one of two different ways. One plan would be to direct the commission to consider the interests of employees in passing upon applications for authority to consolidate or acquire control, but to give it broad discretion to attach such terms and conditions to any grant of authority as it may find it necessary or desirable to attach for the proper protection of those interests. The other plan would be to direct the commission to protect those interests by attaching terms and conditions designed to accomplish certain specified purposes. The choice between these two plans depends upon how certain Congress may be as to what should be done for the proper protection of labor. If it is uncertain and feels that terms and conditions which might be proper and desirable in one case might not be proper and desirable in another, and if it has confidence that the commission can be trusted to act fairly and wisely for the proper protection of labor, after hearing the evidence in each case, it will probably choose the first plan. If, on the other hand, Congress is satisfied as to the kind of protection which should be afforded to labor in connection with consolidations and acquisitions of control generally, it will no doubt choose the second plan.

Personally, I do not desire to express any opinion as to which of these plans should be adopted, for I have not heard or read the evidence in regard to this matter which was submitted to your committee, nor have I had opportunity to study it independently of such evidence. I am, therefore, submitting herewith alternative drafts embodying each of these two plans. A feature which I have incorporated in both and which I think is important is that the action of the commission as to this particular matter should be dependent upon the intervention of and the presentation of evidence by the employees. In other words, if the employees want protection, I think that they should come to the commission and explain their situation and what they fear, so that it may know what to protect them against and how to do it. It does not seem to me that the commission should be required to make an independent investigation of this matter and determine what is needed in cases where there is no intervention by the employees and no requests of record by them for protection. They ought, in short, to help the commission in the consideration of this difficult matter.

I am taking the liberty of sending a copy of this letter to Senator COLEMAN, as chairman of the Committee on Interstate Commerce.

Respectfully yours,

JOSEPH B. EASTMAN, Commissioner.

Mr. HAWES. Mr. President, the two plans which I have asked may be inserted in the RECORD were submitted to the committee. They were unanimously approved by the subcommittee and a bill in the form of plan No. 1 was presented to the full committee, received the unanimous approval of that committee, and was reported to the Senate.

The question was raised whether this expression of opinion by Chairman Eastman was his individual expression or the expression of opinion of the entire legislative committee of the Interstate Commerce Commission. So I made inquiry of the chairman of that commission, and I send to the desk his answer.

The PRESIDING OFFICER. Does the Senator from Missouri desire that the letter be inserted in the RECORD?

Mr. HAWES. I should like to have the letter inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INTERSTATE COMMERCE COMMISSION,  
Washington, May 7, 1930.

Hon. HARRY B. HAWES,

United States Senate.

MY DEAR SENATOR: This is in reply to your letter of May 6 in which you say that your subcommittee of the Committee on Interstate Commerce desires to know whether the remainder of our legislative committee; that is, Commissioners Porter and Farrell, concur in the letter which I wrote you on May 5 with reference to S. 4205, which under-

takes to afford protection to labor in connection with railroad consolidations and acquisitions of control. I have submitted my letter of May 5 to the two other commissioners, together with the suggested drafts of legislation which accompanied it, and they both tell me that they concur in what was said in that letter.

Respectfully yours,

JOSEPH B. EASTMAN,  
Chairman Legislative Committee.

Mr. HAWES. Mr. President, so far as I can ascertain, the original joint resolution was indorsed by labor unions of the United States which desire protection from certain effects of consolidation. As I have stated to the Senate, there was unanimous agreement upon that subject and upon that subject alone. I inserted in the RECORD the other day a letter of the counsel of the Shortline Railroad Association of America. That association represents some 464 short lines which are trying to dispose of some 23,000 miles of properties of short and weak railroads. Senators can examine that list and ascertain how many of those short lines are in each one of the States. They will find, I think, that the sale of short lines is involved in 31 States. The counsel for that organization states that if this resolution shall be adopted the sale of all those short lines will end. The one thing that the transportation act of 1920 attempted to do in the interest of community service and for the protection of communities by means of mergers or consolidations was to compel the purchase of short lines and weak lines. That was not proposed in the interest of the railroads; the provision was placed in the bill in the interest of the public.

The short and weak lines are not valuable properties, and the commission in forming its tentative plan of consolidation provided for the purchase of those short lines. In a great majority of cases large systems to be merged do not want the short lines; they are not profitable investments; but, carrying out the policy and the philosophy back of the act of 1920, the commission refuses to grant permission to consolidate or merge unless those short lines are protected.

This joint resolution which, in my opinion, had for its primary object the prevention in the northwest section of the consolidation of the Great Northern and the Northern Pacific, to which opposition of a pronounced character had developed both from the railroad unions and from the chambers of commerce, goes so far as to strike down the good and the bad together. It suspends, if you please, automatically, all railroad consolidation efforts of every kind until March 31, 1931. We have no assurance that in a short session the Congress will change the law. So, while on its face it merely suspends the law for a stated period, as a matter of fact it is for an indefinite period.

One of the primary objects that this joint resolution was intended to accomplish, as I understand, was to stop the merger of the Great Northern and the Northern Pacific. The testimony shows that that merger is dependent on four contingencies. If the measure which the committee asks the Senate to pass for the protection of labor be granted, it adds another element, a fifth element.

There is another feature of this joint resolution, and that is in relation to holding companies. What is the situation with regard to that phase of the subject? In the House of Representatives, before this joint resolution was introduced in the Senate, there was introduced a resolution providing for the investigation of holding companies. The object of that investigation is to obtain information necessary as a basis for legislation. The resolution incorporates the words "the result of its investigation, including such recommendations for legislation as it deems advisable."

In addition to adopting the resolution, the House of Representatives appropriated \$25,000 to prosecute that investigation. They employed special expert advice, and the investigation is now in process.

It does seem to me that the feature of this joint resolution which covers holding companies is an affront to the House of Representatives. If the House of Representatives, which initiated the investigation into the subject of holding companies, had desired a suspension in the matter of consolidation until its committee could have investigated and acted and made recommendation to Congress the House would have made that request. It does seem to me that it is not very courteous to the House, while the Senate is aware of its investigation, to take part in this subject by trying automatically to suspend all consolidations of railroads in the United States both good and bad.

Mr. President, I believe possibly there was ground for the fear that something might have been done in the matter of the consolidations of the two Northwest roads; but the eloquent Senator from Montana [Mr. WHEELER] and other Senators have made the protest from that portion of our country so strong

and so clear that there is little danger of that consolidation without compliance with four or five different contingencies. One additional contingency will be added by the Senate if it passes this labor bill to-day.

Labor is taken care of in a bill—not a resolution, if you please, but an amendment to the statute; not a temporary thing; not a thing to be done in the interest of labor for a period of months but a permanent change in the law, to stay there for all time.

So I am opposed to the consideration of this joint resolution, first, because it represents the minority voice of your Committee on Interstate Commerce; second, because I believe that it is an affront to the House of Representatives; and, third, because it will not help the unemployment situation but it will increase unemployment in America; it will stop building; it will prevent the growth of transportation into communities that need this transportation.

If the Senate wants to do something for labor, the method is there on your calendar. It is the bill right back of this one.

So I hope this joint resolution may be defeated.

Mr. COUZENS. Mr. President, the Senator from Missouri [Mr. HAWES] is in part correct with respect to the committee being unanimous on the question of protecting labor in these consolidation matters. I also think the committee was almost unanimous with respect to holding up holding companies. Of course, I knew the Senator from Missouri was opposed to that; but in view of the fact that the Senator has gone into the merits of the joint resolution, it seems to me appropriate that I say something with respect to the joint resolution itself.

The committee held hearings, off and on, for nearly a month, during which time many suggestions were made with respect to amendments and desirable amendments. The committee made many amendments to the original joint resolution; and I am not going to take up the time of the Senate to go through all of the evolution that took place in the drafting of the joint resolution as it was first introduced and as it was finally sent out of the committee.

The joint resolution, after revision, leaves all of the existing law in full effect when certain conditions are complied with; and these additional conditions are effective only until March 4, 1931. The original joint resolution had no limitation; but in order not to do undue injury to anyone the committee—at least, nine of the members—agreed to limit the joint resolution to March 4, 1931, feeling that in the interim enough work could be done to report out and have passed a new consolidation bill.

The Senator from Ohio [Mr. FESS] in the last Congress had a bill to which the committee gave consideration, but it did not consider the effect of the operation of the holding companies. Therefore, when the committee reported it out, there were a few who voted against it; but there was an understanding, because of the lateness of the session, that no attempt would be made to pass the measure. The Senator from Ohio [Mr. FESS] afterwards introduced his bill again, but nothing was done with it because of the uncertainty of the conditions, and I think because of the general concern that the committee had with respect to holding companies.

I point out that all of the existing law is in effect under this joint resolution, except the following:

Paragraph (a) of the joint resolution provides for the care of the employees, and it is broader than the bill to which the Senator from Missouri refers, in that it provides as follows:

The commission is specifically authorized and directed to prescribe in its order approving and authorizing any consolidation or acquisition of control such terms and conditions as may be found necessary to prevent the dismissal, layoff, or demotion of employees, and/or uncompensated losses of rights, privileges, and conditions of employment, resulting from the anticipation or consummation of such consolidation or acquisition of control; and/or to compensate employees for all losses and expenses sustained by them (including losses and expenses sustained through change of residence, or disposition of home) as a result of the anticipation or consummation of such consolidation or acquisition of control, to the extent that the commission determines that such losses result from the consolidation or acquisition of control and not from other economic factors. The term "employee" as used herein means a person defined as an employee in the railway labor act.

The only difference between the Senator's bill and this provision in the joint resolution is that this provides for the protection of employees in the case of anticipated consolidations.

Mr. HAWES. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. COUZENS. I yield to the Senator.

Mr. HAWES. I am sure if the Senator had suggested this in the committee, it would be in the bill. I want to say to the

Senator that I thank him for calling my attention to it, and I will very gladly accept that provision in the bill if it comes up.

Mr. COUZENS. I am not disputing the Senator on that point. I desire to point out, however, that this joint resolution of mine had been before the committee 17 days before the Senator introduced his bill; and out of courtesy, and due to the energy and forcefulness of the Senator from Missouri, the chairman allowed his bill to come in in the midst of this consideration and appointed a committee and reported it out because he was in accord with the purpose of the bill.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. HAWES. Is not the Senator mistaken in saying that he yielded and permitted the bill to be reported out? Does not the majority of the committee decide those questions, and not the chairman?

Mr. COUZENS. I mean to say that the chairman interposed no objection to the fact that the bill was being considered. My joint resolution was being considered by the committee when the Senator made his motion in the midst of the consideration; and, as I say, the chairman did not object. I do not know what the decision would have been if the chairman had objected as to procedure.

The reason why we put in "anticipation of consolidation" was because, in the case of the Great Northern and Northern Pacific consolidation, the Interstate Commerce Commission approved of the consolidation with four conditions attached; and during the compliance with those four conditions it was possible for the roads ordered to be consolidated to dismiss thousands of their employees before the actual consolidation took place; so it was necessary, to protect the employees, to say that these employees who were removed in anticipation of a consolidation should be provided for. The Senator from Missouri says there is no substantial objection to that provision of the joint resolution.

Paragraph (b) of the commission provides that—

The commission is further specifically authorized to make it a condition of any consolidation or acquisition of control that existing through routes and channels of trade and commerce shall be maintained, and also to require as a condition precedent to its approval and authorization of such consolidation or acquisition of control that the applicant or applicants shall make a binding offer, upon such terms as the commission shall prescribe, to acquire control of, or to consolidate or merge with, or to purchase the properties of any other carrier or carriers by railroad, not included within the application, which are assigned to the same system with applicant or applicants in the commission's plan of consolidation.

My contention is that that provision takes care of the very short-line railroads that the Senator from Missouri says are not taken care of. In other words, it would not be proper for any of these trunk-line railroads to acquire these short-line railroads or weak lines without the consent of the Interstate Commerce Commission. This provision of the joint resolution provides for the very thing which the Senator from Missouri says it does not provide for, and that is the acquisition of these short-line railroads by the trunk lines when and if the Interstate Commerce Commission so requires.

Continuing to read the provision:

In the event of such a condition precedent, the commission is also authorized in its discretion to approve and authorize the acquisition of control or consolidation or merger or purchase specified in such condition precedent with or without other proceedings under this section.

The last paragraph means that there are no requirements for a second hearing if the decision of the commission makes it a condition that a short-line railroad or a weak railroad be acquired.

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I yield.

Mr. LA FOLLETTE. May I ask the Senator whether, in the hearings and the investigation which the committee made, any evidence was brought to the attention of the committee to show that the Interstate Commerce Commission had not been solicitous in protecting the interests of the short line and weak roads in the consolidations which it had had under consideration?

Mr. COUZENS. I do not think there was a single bit of testimony to that effect.

Mr. LA FOLLETTE. That is, the Senator is firmly convinced that the record of the commission shows that it has demonstrated a disposition to protect the interests of the short-line and weaker roads?

Mr. COUZENS. That is true, because in the consolidation plan of the New York Central Railroad, where they asked to



consolidate with an end-to-end line—that is, the Michigan Central—the commission said that before the consolidation could take effect they were required to go out and purchase certain short-line railroads which connected with the New York Central line.

So as not to permit the New York Central, through any resolution of Congress, to avoid carrying out that obligation, the junior Senator from Nebraska [Mr. HOWELL] offered an amendment, to which I will come later, absolutely protecting the short-line railroads in that respect.

Paragraph (c) is perhaps the most controversial one in the joint resolution. It is the one on which the Senator from Nevada [Mr. PITTMAN] and the Senator from New York [Mr. WAGNER] made reservations.

Paragraph (c) provides substantially for the reinstatement of the Clayton law, so as to prevent consolidations of railroads which are competitors, which it is deemed desirable should not be consolidated for the reason that it might unduly reduce competition. That paragraph provides:

(c) The commission shall not approve or authorize any such consolidation or acquisition of control where, except for such approval and authorization, said consolidation or acquisition of control would be in violation of any of the antitrust laws as designated in section 1 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

That is the Clayton law. Then, to accomplish the purpose of seeing that the short-line railroads were protected, as in the case of the New York Central consolidation, to which I have heretofore referred, we put in a proviso, as follows:

*Provided*, That nothing herein contained shall prevent the approval and authorization by the commission of any acquisition or control of railroad properties required as a condition to any acquisition of control or consolidation heretofore or hereafter approved and authorized by the commission.

When the commission approves of any consolidation involving the short-line railroads, it is provided that that shall not in any manner be affected by this joint resolution.

Beginning on line 10, page 7, of the joint resolution under discussion, there is a provision designed to prevent these holding companies from acquiring the railroads without the consent of the Interstate Commerce Commission. I may say, in that connection, before I read the provision, that the whole membership of the Interstate Commerce Commission heartily indorses this provision of the joint resolution, and later on I intend to indicate testimony submitted by Mr. Eastman to the House Committee on Interstate and Foreign Commerce as to the reasons why the holding companies should be prevented from acquiring railroads without the consent of the Interstate Commerce Commission.

The provision to which I have referred reads:

That any consolidation or unification, or common control, or any exercise of common control, of carriers by railroad engaged in interstate commerce, or the properties thereof, however accomplished, whether directly or indirectly, through a holding company or holding companies, by a voting trust, or in any other manner whatsoever, and which the commission is not empowered to approve and authorize, or which the commission, if empowered, has not approved and authorized, is hereby declared unlawful and may be enjoined by any court of competent jurisdiction at the suit of the United States, the commission, any commission or regulating body of any State or States affected, or any party in interest: *Provided*, That the provisions of this paragraph shall apply only to consolidations, unifications, and common control effected or exercised subsequent to February 28, 1920.

That was put in so as not to affect any of the properties which were acquired before the passage of the transportation act of 1920. Then it provides:

*Be it further resolved*, That the commission is hereby directed and authorized to execute and to enforce the provisions of this resolution in the same manner and to the same extent as though they were written into the interstate commerce act.

I want to point out that this joint resolution is effective with respect to all of those provisions only to March 4, 1931. There is nothing in it which would permanently prevent consolidation. Consolidation could proceed in every case with the exception of such cases as might be in violation of the Clayton law, and the Clayton law, as Senators know, prohibits consolidation of railroads where it interferes with competition.

The act of 1920 lifted from the provisions of the Clayton law the consolidation of certain railroads, with the consent of the Interstate Commerce Commission; in other words, to a limited extent the Interstate Commerce Commission was authorized to permit consolidations which would ordinarily have been in

violation of the Clayton law. If in the judgment of the commission they found that competition would not be unduly restrained, they might authorize the consolidation.

As I have said before, I know of no one in the committee who was opposed to that provision with respect to holding companies except the Senator from Missouri, who used the argument that it was an affront to the House of Representatives, because they were investigating holding companies.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. HAWES. I take issue with the chairman of the committee in that statement. Nine of the committee were opposed to this joint resolution.

Mr. COUZENS. Yes; in its entirety.

Mr. HAWES. Every member of the committee is in favor of some sort of legislation relating to holding companies.

Mr. COUZENS. That is true.

Mr. HAWES. The Senator can not say that they are in favor of that portion of his resolution, because I am sure that the majority of the committee think that he is making a mistake in several respects; first, in trying to amend the law; second, in trying to do it by joint resolution; and, third, in trying to take from the House some of its rights, as it initiated this measure. So I am quite positive that the Senator is wrong when he says that all of the committee are in favor of this portion of the joint resolution.

Mr. COUZENS. The committee are all in favor of the intent, whether it is by joint resolution or bill. I think no member raised any objection to the idea that the activity of these holding companies should be stopped because it is defeating the whole consolidation plan of the Interstate Commerce Commission. However, that is not so very material, because the Senate does not always follow committees.

Mr. HAWES. If the Senator will yield just one moment further, I think the Senator could correctly state the attitude of the committee if he would say that they favor some legislation regarding holding companies.

Mr. COUZENS. Oh, yes; that is what I said, substantially.

Mr. HAWES. They do not, as I understand it, favor that portion of the Senator's joint resolution.

Mr. COUZENS. As we took up each paragraph, the committee approved of it, and then some voted against the joint resolution as amended. However, I do not think that makes much difference in a consideration of the validity of the argument as to the merits of what we are attempting to do.

Mr. FESS. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. FESS. I think the Senator has gone too far in saying that all the Members are opposed to holding companies. My idea is, and I have stated it constantly, that if a holding company is participating in any way in reference to transportation, there ought to be some regulation of it by the Interstate Commerce Commission. I did not mean to say that a holding company could not exist.

Mr. COUZENS. If I have incorrectly stated it, I want to say that what the Senator from Ohio has just said is substantially correct, because no one objects to the holding companies unless they interfere with the operation of the carriers. I am not finding fault with the holding companies unless they exercise their control over the carriers and do it without the consent of the Interstate Commerce Commission.

With respect to the resolution introduced in the House of Representatives to provide for an investigation of the holding companies and their effect upon transportation, and the plan of the Interstate Commerce Commission, I may say, without betraying any confidence, that the chairman of the House Committee on Interstate and Foreign Commerce conferred with me with respect to introducing this joint resolution, and I worked with him in drafting it for the very purpose of aiding in the problem.

The Senate committee had worlds of work before it with respect to radio, telephone, and telegraph, and when Chairman Parker spoke to me I said I would be delighted if the House would undertake the investigation. After the passage of the resolution by the House, it was indicated by the testimony introduced that it would take a considerable length of time to complete the investigation.

It also came to my attention that before the investigation could be concluded, and before Congress could pass adequate legislation, the horse would be stolen, and that we would close the door too late. It was for that reason, and because of the condition of labor, coupled with a resolution before the committee concerning the Great Northern and the Northern Pacific proposed consolidation, that I introduced this joint resolution, so that the whole matter might be held in abeyance until Con-

gress had more clearly defined its intent with respect to consolidations.

Now, I want to take a short time to indicate what these holding companies are doing; and in many cases what they are doing is entirely defeating the intent of the transportation act of 1920. In other words, by purchasing control or a large part of the stock of transportation companies, they are getting control of systems for some particular company which owns the holding company, and in doing so they defeat the plan announced by the Interstate Commerce Commission in December, 1929.

In the House hearings Commissioner Eastman testified with respect to the application of the Denver & Rio Grande Western as follows:

That was in 1921. This is at page 105 of that decision:

"We are further of the opinion that the proposed acquisition of the applicant's stock \* \* \*

The applicant was the Denver & Rio Grande Western.

"\* \* \* by the holding company \* \* \*

The holding company was the Western Pacific Railroad Corporation.

"\* \* \* does not constitute a consolidation of the property of two or more carriers by railroad subject to the act into one corporation for the ownership, management, and operation of properties theretofore in separate ownership, management, and operation within the meaning of paragraph 6 of section 5 of the act. The testimony shows that although the holding company will by stock ownership control both the applicant and the Western Pacific Railroad Co., the properties of the operating companies will be separately owned, managed, and operated.

"Inasmuch as the holding company is not a carrier engaged in the transportation of passengers or property subject to the act, the acquisition of the control of the applicant by the holding company is not within the scope of paragraph 2 of section 5."

In other words, they are accomplishing by the holding company the very thing that was intended to be under the jurisdiction of the Interstate Commerce Commission, and which they avoided being acted upon by the commission through the means of the organization of a holding company.

Mr. Eastman further said on page 5 of the House hearings:

In 1929 the situation became acute because of the organization and activity of two new holding companies. These were known as the Allegheny Corporation and the Pennroad Corporation. I shall discuss the latter first, because it presents the simpler situation.

Organization of the Pennroad Corporation was preceded by certain operations of the Pennsylvania Co., which is a holding company entirely owned by the Pennsylvania Railroad Co. It used to control its leased lines, the western part of the system. The Pennsylvania Co., not the railroad but this holding company, between February 16, 1927, and June 14, 1928, acquired shares of Wabash and Lehigh Valley stock, which we have reason to believe carry control of both of those companies. These acquisitions were made without any authority from the commission, and they are now the subject of a Clayton Act proceeding before the commission.

The Pennroad Corporation was incorporated April 24, 1929, under Delaware laws.

At this point I want to emphasize how recently some of the operations of the holding companies have started, because it was not possible to have considered the methods of high finance when the committee considered the Fess bill relating to consolidation. However, they were in the offing; they were getting a foothold. As one member of the committee, I was opposed to enacting legislation unless adequate provision was made to protect the public against the machinations of the holding corporations.

The Pennroad Corporation was incorporated April 24, 1929, under Delaware laws. It has the usual broad charter of a Delaware corporation with the exception that it has no power to engage in transportation as a railroad company. That power is usually left out of the charter powers of holding companies at the present time because section 20a of the act—

In other words, they avoid the act by leaving out language which would ordinarily bring them under the jurisdiction of the Interstate Commerce Commission as common carriers—

which is the section which gives the commission supervision over the issue of securities, by its terms applies not only to any common carrier by railroad which is subject to the act, but also to "any corporation organized for the purpose of engaging in transportation by railroad subject to this act."

I could read on at considerable length, but the hour is getting late. However, I want to point out one concrete incident about which Mr. Eastman testified to as to how the holding companies

may control and operate substantially an entire railroad system and yet be exempt from jurisdiction of the Interstate Commerce Commission. Mr. Eastman, in testifying before the House Committee on Interstate and Foreign Commerce, at page 9 of the hearings, said:

To show the effect of this acquisition through the holding company, or the possible effect of it, I quote the following from the Railway Age of March 22, 1929:

"The Pennsylvania and the Detroit, Toledo & Ironton have recently completed the consolidation of several facilities on the lines of the two roads. The Detroit, Toledo & Ironton freight station at Springfield, Ohio, was closed on March 11, and the handling of freight at that point was transferred to the Pennsylvania freight station. On March 1 the Pennsylvania engine house at the same point was abandoned and locomotive service has since been performed at the Detroit, Toledo & Ironton engine house. The Detroit, Toledo & Ironton passenger trains began the use of the Ford Street Station at Detroit, Mich., on March 10, enabling the road to enter the down-town section of Detroit in place of the former terminus at Dearborn."

Let me also illustrate in connection with the New England holdings. It appears that the Pennroad Corporation and the Pennsylvania Railroad Co. combined have secured a large interest—considerably less than a majority, however—in the stock of the New Haven Railroad, and that the Pennroad Corporation has secured a large holding in the stock of the Boston & Maine Railroad.

I want to comment on that fact. The Pennroad Co. is not a carrier. It bought all the stock substantially of the Detroit, Toledo & Ironton, but because the Pennroad Co. was made up of a voting trust comprised of three directors of the Pennsylvania Railroad Co., the carrier, they were able, without any financial holding whatsoever in the Detroit, Toledo & Ironton Railroad to accomplish certain things they otherwise could not have done. I mean the Pennsylvania Co., the carrier, had no stock in the Detroit, Toledo & Ironton Railroad Co., yet they absolutely closed stations, closed engine houses, and combined them with each other, and yet there is not a dollar's worth of stock held by the Pennsylvania Railroad Co. in the Detroit, Toledo & Ironton Railroad. In other words, it is possible through the holding companies, who are entirely outside of the province of the Interstate Commerce Commission, to tell the Lehigh Valley Railroad Co., for example, that they must buy all their coal from the Pennsylvania Railroad Co., although the Pennsylvania Railroad Co. itself has not a dollar's worth of stock in the Lehigh Valley. It is possible for the Pennsylvania Railroad Co. to tell any other company in which its holding company has a stock interest to divert its traffic and to do anything it chooses to have it do, and yet as a matter of record the Pennsylvania Railroad Co. has not a dollar's worth of stock in it. This is all done without the necessity of requiring the consent or approval or permitting the intervention of the Interstate Commerce Commission in any way.

I wish to emphasize the fact that during the hearings of nearly a month there was not a single railroad user appeared before the committee to protest against the resolution. Not a single chamber of commerce, not a single shipper, not a single person came before the committee in opposition to the resolution except the stockholders and owners of railroads. I am not desirous of interfering with the prosperity and conduct of railroads, but I submit that if this program of the holding companies for the consolidation of railroads which are in competition with each other was in the public interest, the shippers, the people who pay the freight, would have been down here protesting against the resolution.

For example, I received a letter from the Federated Trades Council of the city of Reading in which they inclosed a copy of resolutions which I shall not read in their entirety, but from which I quote, as follows:

*Resolved*, That the Federated Trades Council of the American Federation of Labor, Reading, Pa., in regular session Tuesday, May 6, 1930, vigorously protests against the general consolidation of railroads and particularly any absorption or dismemberment of the Reading Railroad by any other railroad; and be it further

*Resolved*, That a copy of this resolution be sent to the Interstate Commerce Commission and to the author of the joint resolution now under discussion.

The Pittsburgh Press said on April 25 with respect to this resolution:

Certain business interests are opposing the Couzens resolution which would for the time being prohibit railroad consolidation because, they argue, it would prevent any railroad from achieving the savings of capital and man power possible through consolidation and would thereby perpetuate waste. Labor organizations are for the resolution



on the ground that it would prevent unemployment which might otherwise occur when two systems are thrown into one. There is one vital difference between savings in capital and savings in labor: Capital can not suffer. Men thrown out of work do.

I desire to read an editorial from the St. Louis Globe-Democrat of April 28, as follows:

#### RAIL MERGERS AND RAIL JOBS

That, after prodigious discussion, we are now on the very eve of accomplishments in long-pending projects of railroad consolidation seems indicated by some signs. What will be the effect on employment?

To give the same service or even better service at lessened cost is one of the very objects of these projects, and in estimates of lessened cost, shortened pay rolls figure largely. A reduction by thousands in operating force and clerical staffs would be tragic at any time, but especially deplorable in the present, before our problem of the jobless has ceased to be grave.

With full appreciation of its importance, the point was raised before the Senate Commerce Committee, which is considering certain modifications in the law governing mergers. Speaking as counsel for the stockholders on the proposed consolidation of the Northern Pacific and the Great Northern systems, Walker D. Hines declared that, so far as these two companies are concerned, they purpose to turn nobody out of a job. Overmanned departments will be left to be demobilized by time—by death and resignation, rather than wholesale discharge of employees.

"If it would be good policy in your case, it would be a good policy in all cases," declared Senator PITTMAN, of Nevada. "Executives of other roads might not look at it in the same way. Wouldn't it be better to affirm it by act of Congress and require it in all cases?"

After some bank mergers it has been found necessary actually to hire more help, on account of business expansion, economies being effected elsewhere rather than on pay rolls. Possibly that might be the result of some rail mergers. In general, however, large losses in employment are to be feared, particularly in shops and in clerical departments. Congress and the Interstate Commerce Commission may wisely provide that, if the benefits of consolidation are as great as is represented, they shall accrue gradually to the railroad owners and that full pay-roll savings shall be realized only with lapse of time.

Because these two systems are competitive in larger territory than any other two long lines in the country and because an attempt to unite them gave rise to one of the most famous legal battles of a quarter of a century ago, the plan being prohibited by the Supreme Court, a further statement by Mr. Hines jarred by reason of its unexpectedness. He presented figures showing that, of the total traffic of the two, 75 per cent is noncompetitive. Only 25 per cent of the traffic is competitive and in respect to that 25 per cent, both must compete for 23 per cent with three other Pacific railroads. Thus, the noncompetitive traffic was figured at 98 per cent.

That the two roads, closely paralleling each other for so long a distance, compete with each other for only 25 per cent of their business, while they compete with more distant systems for 23 per cent, seemed a paradox, but Mr. Hines affirmed that it is true. Undoubtedly this competitive problem is a complex one, with some phases that are more apparent than real. Past consolidations made, new lines built, and especially rate regulation from the national standpoint have given it aspects it did not have some years ago.

This merger, if authorized, will mean a development of Montana coal mines and new shops in the West, providing many new jobs, according to Mr. Hines. Possibly other merger projects would increase employment in unlooked-for ways.

I repeat what I said previously, that I have no objection to efficiency, I have no objection to savings, but I reiterate that I do object that all of the efficiency and all of the savings should be taken out of the pockets of one group of our citizenship. If the general public are to profit by these consolidations, if the general public are to be benefited by consolidations, let all the public stand the expense of it and do not take it out of the pockets of just one group of our citizens, namely, the railroad employees.

It has been repeatedly testified that the consolidations do not mean any reduction in freight rates. Railroad manager after railroad manager said we may not expect any reduction in freight rates. They said, "We will be lucky if we do not have an increase in freight rates." If that is so, why all this haste to consolidate, and throw thousands and thousands of men out of work to accomplish more dividends for the stockholders of the railroads? Let me make it clear that I am not opposed to dividends for stockholders, but I am opposed to robbing one group of our citizenship to pay those dividends.

Mr. Willard, of the Baltimore & Ohio, than whom there is no better railroad executive in America, testified before the committee when asked with respect to the probable savings in the consolidation of the Great Northern and Northern Pacific, when it was said there would be \$10,000,000 of savings, that the best figures that could be given would be that 60 per cent of that saving would come out of the pockets of the employees of the

railroads; that another 20 per cent of the savings would come in the labor performed in the production of supplies and materials which the railroads used; so that in the aggregate 80 per cent of the savings would come out of the pockets of labor. In other words, the stockholders of the Great Northern and Northern Pacific are supposed to save \$10,000,000 by the proposed consolidation, \$8,000,000 of which will come out of the pockets of the railroad workers.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WHEELER. In this connection I wish to state that I talked to a representative of the Northern Pacific Railroad Co., and inquired as to how much of a saving they expected would be made by the consolidation. He said approximately \$10,000,000. I asked how it was going to be effected, and he said, of course, it would be made by cutting down service, taking off some of the trains and laying off some of the men. I asked whether or not he promised any reduction in freight rates, and he immediately said that, of course, he could not promise anything in the way of a reduction of freight rates if the consolidation of the Great Northern and Northern Pacific went through. The only people whom he thinks would be benefited would be the stockholders or the bondholders, and neither the wage earners nor the shippers would benefit to the slightest extent.

Mr. WALSH of Montana. Mr. President, will the Senator pardon a further interruption?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Montana?

Mr. COUZENS. I yield.

Mr. WALSH of Montana. In confirmation of what my colleague has said, I find that, even in the opinion of the majority of the commission supporting the merger or consolidation, it is substantially admitted that no reduction in freight rates can be expected. I refer to the following language, found in the opinion of the majority of the commission:

As to the effect of these economies on the shippers, the record shows that certain rate changes, such as those due to the elimination of 2-line hauls and the elimination of switching charges, should result from the plan, but that no general revision of the rate structure is promised, or can be expected in the immediate future. The operating changes proposed are such as ultimately to reduce rates or to prevent advances.

That is the most that can be expected.

Mr. COUZENS. And even Mr. Willard, president of the Baltimore & Ohio Railroad, says that we need not expect any reduction in freight rates.

From the Wheeling (W. Va.) News of May 1, I read an editorial, as follows:

#### CONSOLIDATION DELAY

Advocates of railroad consolidation are perturbed over the resolution of Senator COUZENS, chairman of the Senate Interstate Commerce Committee, which calls for suspension of the Interstate Commerce Commission's authority to approve mergers.

If adopted, they say, this resolution may result in a delay of at least a year in pending merger moves.

The American people should welcome such a delay. It would give us a year in which to get our feet back on the ground; a year in which to analyze this frenzy of consolidation into which the industrial world has been churned.

There has been little convincing evidence brought out during all the discussion of railroad consolidation that the American people would profit by it. On the other hand, there has been much to arouse the suspicion that any such wholesale centralization as contemplated will reduce competition and render more difficult effective railroad control.

Nothing more radical has been seriously proposed in this country in recent years than the compulsory consolidation of the Nation's railroads. And, strangely enough, the official attitude at Washington seems to be heartily in favor, not only of railroad combinations but of any and all sorts of gigantic industrial mergers. We virtually have suspended operation of our antitrust laws, have lost sight of the rights of the common run of citizens, and have given ourselves over to the service of wealth.

Perhaps a year in which to think things over will give us the proper perspective on this rail merger business.

The New Jersey Federation of County Boards of Agriculture adopted a resolution on March 14, 1930, which was sent to the Interstate Commerce Commission and which I desire to read. Referring to the plan of the commission promulgated on December 9, 1929, the resolution says:

Whereas the proposed plan of consolidation does not insure any reduction in rates to the farmers of New Jersey; and

Whereas the proposed plan of consolidation will not improve the present service rendered by the railroads to farmers of our State; and

Whereas the proposed plan of consolidation will place the management of our railroads in the hands of those who are not primarily interested in the agricultural and industrial development of New Jersey; and

Whereas the proposed plan of consolidation promises to disrupt the close personal contact between the officials and representatives of the railroads and the farmers of New Jersey; and

Whereas the proposed plan of consolidation will lessen the competition now existing between railroads and threatens the choice of many routes now offered to shippers, both as to rates and service, which have taken many years to develop; and

Whereas the proposed plan of consolidation will not be for the best interests of ports of New York and Philadelphia; and

Whereas the proposed plan of consolidation does not offer any benefits to the agriculture of New Jersey and the proposed plan threatens all the advantages we now enjoy and is inimical to the agricultural and industrial development of New Jersey: Therefore be it

*Resolved*, That the New Jersey Federation of County Boards of Agriculture, in executive session, oppose the proposed plan of consolidation; and be it further

*Resolved*, That copies of this resolution also be sent to our representatives in Congress.

I read now an editorial from the St. Louis (Mo.) Star of April 17, 1930, as follows:

Railroad ownership in the United States is headed for chaos, if statements before Senate and House committees at Washington by members of the Interstate Commerce Commission and others are to be believed. The Couzens bill now pending would hold up official sanction of these rail mergers until Congress can investigate holding-company control. That would prevent the Interstate Commerce Commission from putting its own plan in effect, but that plan has been made a joke. Great financial groups have bought railroad control right and left, including control of competing lines, without Interstate Commerce Commission sanction. The railroad map of the United States is being remade, whether to the harm of the public or the public's benefit nobody yet knows.

What will happen to St. Louis in this new alignment? Are our local business and civic organizations watching to safeguard the city's interests in whatever the Government does? Whatever faults the Interstate Commerce Commission consolidation plan had, it aimed to keep competition going among the railroads, and to preserve the identity of great railroad operating centers like St. Louis in the Middle West and West. In this buying up of railroad shares by the holding companies, financial control is being centered more and more in the East. Is there any possibility that St. Louis, the railroad gateway to the Southwest and one of the great railroad operating centers of the Nation, will find itself a way station? The city already has lost some of its railroad-supply business through removal of purchasing agencies. The Southwest is St. Louis's chief trade territory. It is important that it be kept so, and that St. Louis continue not only as the southwestern railroad gateway but the jobbing and distributing gateway of the Southwest for merchandise.

There is another paragraph which is not pertinent to the immediate issue but which I ask may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The paragraph referred to is as follows:

The Missouri Pacific, the Wabash, the Frisco, the M. K. T., and the Cotton Belt all have general offices here, and all of them are involved either in Interstate Commerce Commission consolidations with larger systems or in holding company purchases running counter to the commission's plans. There may be no plan to remove headquarters of these roads from St. Louis, but with the entire railroad situation of the country in ferment, this city should stand on guard. St. Louis has too much at stake to be caught asleep at the switch.

Mr. COUZENS. On April 23 last the American Federation of Railroad Workers sent me a letter in which they say:

Being employees of the Reading Railroad and knowing what usually occurs to employees when mergers take place, that of a reduction of force of two out of every seven men at interlocking points, demoralization of good will and relationship existing between employer and employees, as well as changing other matters too numerous to mention that would be detrimental, particularly so to the employees, it is readily understood that we would be opposed to a consolidation of any railroads, and particularly so the Reading and Baltimore & Ohio.

I read that particularly because emphasis has been placed upon the statement that the only interests specifically affected are those in the Northwest on account of the proposed consolidation of the Great Northern and the Northern Pacific.

I have a letter from the Escanaba (Mich.) Chamber of Commerce, from which I quote, as follows:

The board of directors of the Escanaba Chamber of Commerce wishes to take this opportunity to commend you on the stand that you have taken relative to the consolidation of railroads.

I also desire to read an editorial from the Boston Christian Science Monitor of April 10. I am referring to these expressions of opinion because I wish to show the nation-wide interest in the problem of railroad consolidation, and the interest in the pending joint resolution and the proposal at least to suspend the present orgy of consolidation until Congress may lay down definite rules in the public interest.

Mr. HAWES. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. COUZENS. I should like first to read the editorial, if the Senator will permit me. It is as follows:

#### SUSPENDING RAILWAY MERGERS

There is adequate reason for the resolution introduced in the Senate by Senator COUZENS, of Michigan, recommending that the Interstate Commerce Commission's authority to approve unification of railways be suspended until some definite solution of the present involved situation is effected. Not only are present mergers running counter, in many respects, to the commission's tentative merger plan but the advent of holding companies is greatly complicating the situation. The latter instruments are being investigated by the Congress, although it is debatable just how far their activities may be proscribed under existing legislation. It is to be presumed that new legislation will be enacted to govern these "investment trusts" should they be found to be exceeding their rights in creating or circumventing rail mergers through the purchase of stock in companies which they desire to use as pawns in the game of rail consolidation. Although they maintain an independent status, it is an open secret that each such company is affiliated with a leading railroad and that its stock purchases are made on behalf of that carrier.

There has developed within the last year such a wave of activity in the merging of connecting, as well as competing companies, that the tendency appears to be one in which financial interests receive a far greater consideration than do sound railway economics and the public interest.

Senator COUZENS's resolution would permit a general stock taking and thoughtful consideration of the entire rail situation. Also, it would afford an opportunity to study the results of the congressional investigation into holding companies, in so far as they affect the railroad picture.

Here is an editorial from the St. Paul (Minn.) Pioneer Press. From one end of the country to the other such editorials and comments come. The St. Paul (Minn.) Pioneer Press, under date of April 18, 1930, says:

#### INDIRECT RAILROAD MERGERS

While the Federal Government has been groping around for the right key to consolidation of the railroads into fewer and larger systems, the carriers themselves have been busy devising new methods of putting the governmental plans to naught. This is in substance the complaint which Joseph B. Eastman, member of the Interstate Commerce Commission, brings against the so-called holding companies in their dealings in railway stocks.

What the "success" magazines call the genius of American finance is capable of many uses besides the turning of losses into profits. It is also adept at inventing legal ways of doing indirectly what the law forbids. Railroad financiers who wish to control competing lines legally beyond their reach have found that the "holding company" is a device which, with a few special twists, is adapted to gaining for them the forbidden fruit.

What Mr. Eastman foresees is the unification of railroad ownership in holding companies that cut across the mergers as arranged by the Interstate Commerce Commission. It will do the commission very little good to preserve the appearance of competition among railroads which, through companies holding stock in the various lines, are owned by the same men. Mr. Eastman is asking legislation which will give the commission a better control over the ownership as well as the operation of the railroads.

This is in part what Senator COUZENS and Congressman KNUTSON, of Minnesota, have in mind in their resolution to hold up all activity of the Interstate Commerce Commission on consolidations until Congress has made further legislative provision. But perhaps they also are motivated in part by the increasing public skepticism over the necessity for any general merging of the railroads at this time.

The Railroad Owners' Association, maintaining an office in Washington—I do not know the extent of their organization or how many railroad owners are included in it—in a letter addressed to Members of the Senate on April 2, 1930, refer to the consolidation question. I am not going to read it all, but I am going to ask permission to put it in the RECORD and will just read a few excerpts from it.



The VICE PRESIDENT. Without objection, it is so ordered. Mr. COUZENS. I quote from the letter as follows:

There may come before you at this session the consolidation bill, so-called, having for its object legislation looking to the knitting of the transportation lines of the United States into 15 or 20 systems.

Since 1920 many superficial efforts have been made to bring about regional consolidations.

They raise the very point which the Senator from Montana [Mr. WHEELER] has raised many times in the Senate, that is, as to the strategic value of making consolidations of transcontinental lines rather than consolidations of competing parallel lines.

In this memorandum they further say:

I can see no benefit whatever, in view of the excellent functioning of the railroads at the present time, in regional consolidations. I can see, however, where, if such knitting of the lines should become a fact, the parent system would prejudice the position of its stockholders.

It is becoming increasingly evident that the desire for such consolidations is losing its flavor as the situation is studied and understood by those who were formerly advocates of such propositions. I can realize where those engaged in promotion will benefit largely, but at the expense of the stockholders and the public.

The letter entire is as follows:

[Railroad Owners' Association, incorporated in the District of Columbia under act of Congress of March 5, 1905. Executive committee: J. D. Shatford, chairman, Washington, D. C.; Frederic M. Halsey, vice chairman, New York; Arthur S. Pierce, New Jersey; R. J. Marony, New York; Walter S. Case, New York; Lionel Sutro, New York; H. D. Tichenor, Los Angeles and Washington, D. C.; and S. G. Hopkins, secretary]

WASHINGTON, D. C., April 2, 1930.

#### To Members of the Senate:

There may come before you at this session the consolidation bill, so-called, having for its object legislation looking to the knitting of the transportation lines of the United States into 15 or 20 systems.

Since 1920 many superficial efforts have been made to bring about regional consolidations.

About the only thing that has been accomplished has been the addition to the carriers' expenses of enormous sums for attorneys' fees (already mounted to such a high sum as to cause alarm), as well as useless burdens in other departments.

The strategic efforts being indulged in by managements will, no doubt, continue indefinitely and without material result. If we view the past as an example of what the future may bring forth, and I believe we are justified in doing so, I think we had best dismiss regional consolidations from our minds. I can see no actual benefit to the public if such became a fact. As matters now stand, the morale of officials, clerks, and laborers is very adversely affected. If, however, we are to have a knitting of the lines, such systems should be transcontinental and from Canada to the Gulf. We are now secondary to our Canadian neighbors, who have set us an excellent example of what transportation systems ought to be. As we view the operations of the Canadian Pacific and the Canadian National, and in addition to their transcontinental railroads, a world-wide steamship service, and also a world-wide hotel service, the excellent management and the fine results produced, we wonder that we have not long since had transcontinental systems in this country.

There are those who argue that we should form regional consolidations at first, and then follow them later by transcontinental and Canada to the Gulf systems. There are many objections to such a procedure. With this suggestion I am not in harmony. We should do the job at once, if we do it at all. Regional consolidations would not provide any diversification of traffic; no change whatever in this direction would be derived by such a knitting of the properties. But by transcontinental consolidations and those from Canada to the Gulf we would have diversification, and agriculture would have some opportunity to better its condition when managements, because of probable increased earnings, and freedom from the vicissitudes of practically one class traffic, could see their way clear to extend such benefits. It seems to me that continuing proposals and discussions in the future, as in the past 10 years, will result only in a waste of time by legislators and the Interstate Commerce Commission, and with great additional expense to the carriers, which the public ultimately must pay. While there may be effective in the dim future a regional consolidation or so, I am satisfied the results would be greatly disappointing to the public. I quote from a letter written by me on January 7 last to a New York gentleman interested in regional consolidations from the viewpoint of an owner of short lines, which will convey our views:

"I can see no benefit whatever, in view of the excellent functioning of the railroads at the present time, in regional consolidations. I can

see, however, where, if such knitting of the lines should become a fact, the parent system would prejudice the position of its stockholders.

"It is becoming increasingly evident that the desire for such consolidations is losing its flavor as the situation is studied and understood by those who were formerly advocates of such propositions. I can realize where those engaged in promotion will benefit largely, but at the expense of the stockholders and the public. It would be my suggestion that, in view of the fine service now being given and the excellent management of our properties, they continue as they are, permitting the management from time to time to add to the systems that which experience might dictate as a necessary addition in the interest of the stockholders, as well as the public."

I am convinced the only proper method of procedure in the way of regional consolidations is to permit experience to dictate what would be the best for the stockholders, and also for the public, by adding from time to time companies that could be considered essential to a more economical and efficient operation of the parent company; in fact, in the same manner in which the Pennsylvania and the New York Central have been built up. Under existing conditions I do not believe that any of us will live to see regional consolidations to any extent become a fact, and I do not believe that consolidations fitting the spirit of the times can be handed down by the Interstate Commerce Commission or by views emanating from a congressional committee room. It is only by careful, studied, and planned mergers, shaped step by step, in the light of a lifetime of experience, that can successfully solve the transportation problem, either as a whole, or as it may apply to communities pressed with such problems. I would respectfully urge you to give thought to the suggestions I have submitted, for if we are to have consolidations we must enlarge our vision and knit the lines into the most useful form of transportation.

It is also my view that the Panama Canal act of 1912, which prohibits our transportation systems from owning and operating ships, should be repealed, and that the transportation systems of this country should be enabled, as are the Canadian systems, to enter into all forms of transportation. This, again, I beg leave to point out, would better contribute assistance to agriculture, as well as to industry, because of still more diversified traffic, and a continuous system from the farm and factory to the consuming markets of the world.

Sincerely yours,

J. D. SHATFORD, Chairman.

Mr. COUZENS. I have here an editorial from the Tacoma (Wash.) Ledger of April 3 entitled "Combating Railway Mergers," which reads as follows:

#### COMBATING RAILWAY MERGERS

Senator COUZENS, chairman of the Senate Committee on Interstate Commerce, does not believe that there is wisdom in allowing the consolidation or merging of railroads until there has first been provided ample legislation that will adequately protect the interests of the public. The Michigan Senator has introduced a resolution calling upon Congress to withdraw from the Interstate Commerce Commission the power to approve of railroad consolidations or mergers until such legislation has been enacted.

The Senator declares that before a consolidation should be permitted there should be laws controlling holding companies, and there should be provided protection to shippers and communities through a further extension of the powers of the commission in order to prevent injury to communities through a decrease in or disruption of transportation service. Again, he would have laws that would prevent unnecessary and uncompensated loss to railway employees through the operation of a consolidated road. Finally, he insists that a consolidation should only be permitted where it assures better and more economical transportation service and a positive advantage to the public.

It is regarded that the resolution offered by the Michigan Senator was called out by the tentative consent of the Interstate Commerce Commission to the merging of the Northern Pacific-Great Northern roads, and this view seems to be sustained by the protest in which the entire congressional delegation of Minnesota unites against the proposed merging of the northwest roads. The Minnesotans insist that through the consolidation competition would be destroyed, thousands of men would be thrown out of employment, while many communities situated along both lines would be materially injured through the shifting of trade centers.

The position of Senator COUZENS and the Minnesota Congressmen is practically that taken in a similar case by the late President Roosevelt and the then Senator Frank B. Kellogg. Whether roads, in the interest of economical operation, should be merged might be a highly controversial matter, but it would look as though Senator COUZENS is in the right when he insists on adequate provisions being first taken to protect the public.

Here is a long editorial from the Pittsburgh Press of April 3, 1930, which is represented here in Washington by an able correspondent, who has been writing very detrimental articles with

respect to this joint resolution because apparently he does not favor it; but his paper says this:

#### WATCHING THE MERGERS

Developments of importance to the railroad world and to those who patronize the railroads, of particular interest to the Pittsburgh district, are following each other swiftly. The latest is the Couzens resolution introduced in the Senate which would prohibit, for the time being at least, further consolidations and unifications of the railroads under authority of the Interstate Commerce Commission until and unless legislation is passed giving the commission wider powers, particularly over the activities of holding companies organized to buy railroad stocks, and for protection both of employees and communities affected by the proposed consolidation.

The Couzens resolution was introduced at a time when after some years of comparative inactivity the tendency toward railroad mergers and consolidations was proceeding faster and faster under the prodding of the commission, which recently published a plan for unification into 21 systems. Behind the commission some observers see the figure of President Hoover, who both as President and as Secretary of Commerce has repeatedly urged consolidation.

The Couzens resolution is somewhat ambiguous. For instance, the Baltimore & Ohio Railroad has been granted the right to acquire the Buffalo, Rochester & Pittsburgh Railroad, and the commission tends to look favorably upon acquisition of the Buffalo & Susquehanna. These are individual acquisitions, yet exactly in line with the commission plan for consolidation of the B. & O. and several other roads into an enlarged B. & O. system, including a new short line to New York. Would the resolution prohibit such individual acquisitions?

Pittsburgh also is interested in the clearing up of the holding company situation, particularly in view of the reported control by the Pennroad Corporation, close to the Pennsylvania, of the Pittsburgh & West Virginia Railroad. It is also interested in Pennsylvania control of the Wabash and the Norfolk & Western lines, and many other questions.

The Association of Rail Labor Executives properly calls attention to the interest the army of railroad employees has in the various mergers. It is making common cause with various cities and towns along the lines, which feel that they may face loss through change of terminals, division points, and shipping centers. It is obviously not fair to take away a service about which a community has been built up, and which it has every right to expect would continue. Certain Pennsylvania communities have protested the B. & O. plan to take over the Reading and the Central of New Jersey exactly on these grounds.

It has been charged that various projected consolidations would benefit the bankers more than the country at large. Congress would not willingly permit this, of course, for the only value of consolidations will lie in cheaper transportation and better service.

The complexity of the situation is shown by the fact that after some considerable study Pittsburgh shippers, deeply affected by the merger proposals, have not been able to arrive at a collective decision as to whether they approve the various consolidation proposals or not. Clearly, the subject needs more light, which the Couzens resolution and the forthcoming investigation by the House Interstate Commerce Committee would supply.

#### ADDITIONAL UNITED STATES PRISONS

Mr. STEIWER. Mr. President, will the Senator yield to me to make a unanimous-consent request?

Mr. COUZENS. Yes; I yield.

Mr. STEIWER. It will take but a very few minutes.

I request that the Senate proceed to the consideration of House bill 6807, Order of Business No. 536. There will be no debate upon it, save some remarks, I think by the Senator from South Carolina [Mr. BLEASE]. It is a very short matter.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated by the clerk.

The CHIEF CLERK. A bill (H. R. 6807) establishing two institutions for the confinement of United States prisoners.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

Mr. BLEASE. Mr. President, on account of the lateness of the hour I shall not make the remarks that I intended to make.

I am opposed to the bill because of the fact that I think we have too many prisons now. If we build these two new institutions, they are going to be filled. The officers of the law can and will always find somebody somewhere to put in jail.

I think if the President would personally appoint a commission whose duty it would be to go to the penitentiaries that are now in existence and select the old men who have homes somewhere—I do not mean turn them out in the streets, but those who have people who would be glad to take them home with them—pick out the men who are diseased and unfit to be prison-

ers, and put them in some hospital or proper place, and pick out the men who have already served too long, which you will find in many, many instances, and grant them paroles under proper restrictions, it would do a great deal more to help humanity, it would make a better citizenship for this country, and improve our conditions much more than building new institutions for some officers to find people to go and fill.

As I say, I had intended to make quite some remarks along that line.

I had inserted on page 805 of the Record on December 18, 1928, an article entitled "Duty and Responsibility of the Governor in Dealing with Prisoners."

I ask to insert, right after the words "which animates the midnight assassin," a short section from the speech which I delivered—in fact, it is part of the same speech that was left out. I ask that I be permitted to insert this in the Record as part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

#### DUTY AND RESPONSIBILITY OF THE GOVERNOR IN DEALING WITH PRISONERS

Former Gov. COLE L. BLEASE, of South Carolina

Mr. Chairman and gentlemen of the governors' conference, three-quarters of a century ago, in the historic city of Boston, one of the clearest thinkers that Massachusetts, or even the Nation, has yet produced, in an address upon Man, the Reformer, emphasized the thought that "every great and commanding moment in the annals of the world is the triumph of some enthusiasm." He cited as an example, "the victories of the Arabs, after Mahomet, who, in a few years, from a small and mean beginning, established a larger empire than that of Rome." "But," he predicted, "there will dawn ere long on our politics, on our modes of living, a nobler morning than that Arabian faith, in the sentiment of love. This is the one remedy for all ills, the panacea of nature. We must be lovers, and at once the impossible becomes possible. Our age and history, for these thousand years, has not been the history of kindness, but of selfishness. Our distrust is very expensive. The money we spend for courts and prisons is very ill laid out. We make, by distrust, the thief, and burglar, and incendiary, and by our court and jail we keep him so. An acceptance of the sentiment of love throughout Christendom for a season would bring the felon and the outcast to our side in tears, with the devotion of his faculties to our service."

There is no crystal ball in which man may see portrayed the future, and little did Emerson think that two decades after he was so eloquently preaching this doctrine of peace and love this Nation would be plunged into four years of civil strife. When he said that "this great, overgrown, dead Christendom of ours still keeps alive at least the name of lover of mankind," and prophesied that "one day all men will be lovers, and every calamity will be dissolved in the universal sunshine," little did he reckon that 74 years later the far-flung battle lines of Europe would stretch from hundreds to thousands of miles and that nearly the whole world would be in a death grapple, attended by cruelty and sacrifice and misery which passes human understanding. Millions of men are seeking each other's life blood, and—

"Few shall part where many meet;  
The smoke shall be their winding sheet,  
And every sod beneath their feet  
Shall be a soldier's sepulcher."

But it has been the history of the world, in accordance with the slow but steady progress of the human race, that the darkest night is ever followed by the brightest dawn, and from the gloom which now enshrouds the land and the sea, will emerge a nobler civilization, which will continue to gain strength in an atmosphere purified by the shock of battle, and human nature must be softened by the blood that has been spilled and by the tears that have been shed and by the prayers of widows and orphans that have ascended to the throne of a pitying God.

You will pardon me for this digression; but the thought was suggested by the fact that the spirit which plunges nations into wars, except the nations which wage war against oppression, is the same spirit which has in centuries past led men to seek the cruel punishment of prisoners—a spirit which is vastly too much in evidence in this twentieth century.

Within the past few weeks we read in the newspapers of a man who had made an attempt upon the life of another being plied with questions until he was too weak to talk, then being walked up and down the corridors of his prison to revive him, then plied with questions again, and subjected to God alone knows what else, in the administration of the "third degree." Later this prisoner was found on the floor of his cell with his skull crushed in, and it was stated that he had climbed to the top of his cell door and jumped to the floor, killing himself. Whether he was murdered or whether he really committed suicide I do not know; but this I do know: That the suicide of any man would hardly be unnatural under such circumstances, and that the treatment accorded him, before conviction, would have been a disgrace to our civilization even had it occurred



after he had been tried and sentenced. As remarks a very distinguished southern minister of the Gospel, "the so-called third degree is a revival of the horrible method of the Spanish Inquisition, a species of torture to compel an accused person to incriminate himself, a flat contradiction of the humane principle of law that regards every person innocent until proved guilty." This "third-degree" method that is practiced in the North and the East and the West—less frequently, I am glad to say, in the South—whether a man be killed during its administration, or whether he be driven to commit suicide, or whether he be tortured sometimes into confessing crimes of which he may be innocent, is barbarity in a sneaking form, under the sanction of law, and those guilty of practicing it evidence a spirit as mean and contemptible as the malice which animates the midnight assassin.

Three years ago I had the pleasure of addressing this conference in Richmond. My remarks were telegraphed throughout the Nation, and I was heralded to the world as a chief executive who advocated mob violence. I do not propose to go into a discussion of that here; it is entirely beside the question. Suffice it for me to say that in the South the lynching of a man for the unmentionable crime is a protection to our civilization, while the practice of this "third degree" violates the letter of our Constitution at its most vital point and is a blow to the whole spirit of our institutions. In the South an aroused mob is an outraged community which carries out the law, but brushes aside with mighty force the law's technicalities and delays. There is no hypocritical, sanctimonious violation of fundamental rights under the cloak of law by those sworn to uphold the law; the deed is open, and civilization and justice are vindicated. And when mobs are no longer possible, liberty will be dead.

Mr. BLEASE. I also ask to insert in the RECORD an article from the Anderson (S. C.) Daily Mail headed "Talking It Over, by J. E. W. Promotion in the Kingdom."

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Anderson (S. C.) Daily Mail of Friday, May 2, 1930]

#### TALKING IT OVER

(By J. E. W.)

#### PROMOTION IN THE KINGDOM

Sunday School lesson for May 4

Very rapidly now the Gospel account moves toward the great summation of Jesus' ministry. He begins to make plain, and always more plain, to His disciples the cost of discipleship; though even yet they do not understand Him. The gray walls of Jerusalem are now almost in sight, and there must have been something in the very spirit of the twelve which warned Jesus that they were not ready for what they were so soon to face. It was Passover time and all the approaches to Jerusalem were full of pilgrims going to the feast. So much the more necessary, then, that Jesus should go with His disciples apart, as the roads were too crowded for Him to say so significant a thing in the hearing of the crowd.

(Matt. xx, 16-28)

"17. And Jesus going up to Jerusalem, took the twelve disciples apart in the way, and said unto them:

"18. Behold, we go up to Jerusalem; and the Son of Man shall be betrayed unto the chief priests and unto the scribes, and they shall condemn him to death.

"19. And shall deliver him to the Gentiles to mock, and to scourge, and to crucify him; and the third day he shall rise again.

"20. Then came to him the mother of Zebedee's children, with her sons, worshipping him, and desiring a certain thing of him.

"21. And he said unto her, What wilt thou? She saith unto him, Grant that these my two sons may sit, the one on thy right hand, and the other on the left, in thy kingdom.

"22. But Jesus answered and said, Ye know not what ye ask. Are ye able to drink of the cup that I shall drink of, and to be baptized with the baptism that I am baptized with? They say unto him, We are able.

"23. And he saith unto them, Ye shall drink indeed of my cup, and be baptized with the baptism that I am baptized with; but to sit on my right hand, and on my left, is not mine to give, but it shall be given to them for whom it is prepared of my Father.

"24. And when the ten heard it, they were moved with indignation against the two brethren.

"25. But Jesus called them unto him, and said, Ye know that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them.

"26. But it shall not be so among you: but whosoever will be great among you, let him be your minister;

"27. And whosoever will be chief among you, let him be your servant:

"28. Even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many."

The incidents of the past months undoubtedly had revealed to Jesus very clearly just who His foes were and what they were planning to do. He saw that the issue was joined with no possible hope of com-

promise. There was no way out for Him save the bitter way of the cross. He foresaw all the detail of it. He knew the Jewish law, and the relation of the scribes and Pharisees to the Roman Government. He knew the course His trial must follow. He knew what the soldiers of Pilate would do to Him when He had fallen into their hands. He saw the cross and His triumph over it—and He told His disciples plainly what they might expect. He did not leave them in darkness; He assured them with the promise of His victory over the grave—and still they did not understand.

"Then came to Him the mother of Zebedee's children." What a deal of human nature here, and what a clear, sad light is thrown upon the dispositions of even the best disciples. How slow to learn were even those who were nearest to Jesus. He had told them that they were to become as little children, with no thought of honor or gain. He had told them that He would find no throne in Jerusalem, but a cross. He had told them that if any would come after Him, they should begin by denying themselves. He had told them that the wages of His service were not the wages of this world. And now comes the mother of James and John, grown men, who had heard all these teachings, begging for a special favor for her sons.

The only key to this, of course, is that conception of the Kingdom of God in which even the most devout Jews had been so grounded that their very minds and souls would have to be changed to get it out of them. So many times we have noted it. The kingdom was going to be power and office and glory. There was among the disciples a feeling that the culmination of Jesus' ministry was very near, and they believed they would have a share in it; and these two men, with their mother for a spokesman, wanted the best share of all. It is better for us to try to understand them, though, than to criticize them. They were moving through a kind of a haze; they saw nothing clear or right—how could they? The only comfort we can get out of it is that there is hope for us in our misunderstandings and unteachableness.

The Master met the woman's request with a question to her sons. He knew well enough that she was only their mouthpiece. His answer is as grave as their request is trivial: "Ye know not," He said, "what ye ask." Terribly searching experiences were awaiting them in the city to which they were going up. It was as though soldiers going into battle should stop to discuss promotion. Their question was trivial and irrelevant to the whole situation. Jesus searches them, and His words still carry solemn implications. He asks them if they were willing to pay the price; could they drink of His cup and be baptized with His baptism? The baptism to which He refers is the baptism of pain and death. It was by drinking this cup and suffering this baptism that Jesus won His throne. There was no other way for His disciples to win station and power.

They answered that they were equal to what He asked; and we have no way of judging the understanding of their answer. It was apparently sincere, and actually it committed them far more deeply than they supposed. But we can hardly believe that they did more than promise, without knowing what the promise involved, that they would meet whatever was asked of them if only they might have the thrones. Jesus took them at their word, and added thereto His own knowledge of what awaited them. "Ye shall," He said, "drink of my cup and be baptized in my baptism." He saw deeper into their natures than they saw themselves, and knew that there was in each man a power of constancy and courage which would make them equal to the dangers which He knew would attend the beginnings of His church.

The ten others heard what He told the two, and apparently they were angry at James and John for having pushed themselves forward. At any rate, they were very much stirred up. They were all bubbling over with what they supposed was righteous wrath. They were never successful in keeping their murmurings from the Master; He knew their ways too well; and, calling them to Him, He spoke to them in a quiet and consoling way: "Ye know," He said, "that the princes of the Gentiles exercise dominion over them, and they that are great exercise authority upon them. But it shall not be so among you; whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant."

Something new had come into the world; a kingdom in which thrones were turned upside down and every precedent reversed. It was no longer to be a matter of pride lording it over pride, but of service vying with service, and humility competing with humility.

And finally, Jesus enforces His proclamation by His own example. "Even as the Son of Man came not to be ministered unto, but to minister, and to give His life a ransom for many." It is Christ's own statement that He lived to serve men and only that; that He was going to die to serve them, and that through His death they would be delivered.

A desire to be great is praiseworthy, and this desire may be obtained if we accept Jesus' way to it, for to reach the highest place we need only to be the servant of all. Greatness by this path is easily achieved, because few will be the obstacles in the pathway of one who will sincerely serve.

Mr. BLEASE. With this I shall content myself, on account of the lateness of the hour. I hope the President himself at some time will read, or have somebody read and talk over with

him, what I have said this afternoon, and the articles herein inserted and "live to serve men" as well as to be served. From experience and personal knowledge I can assure him that while there may be some who criticize and condemn, no one has ever yet suffered any loss, politically or otherwise, by being merciful to his fellow men.

The VICE PRESIDENT. The amendments of the committee will be stated.

Mr. ROBINSON of Arkansas. Mr. President, has this bill been unanimously reported by the committee?

Mr. STEIWER. Yes, Mr. President. I will, if I may without intruding too far upon the Senator from Michigan, say in just a word what it is.

This is the last of eight bills that make up the prison program of the President. The other seven have been passed by the Senate and by the House. This one only remains for action, and because it is not passed the Department of Justice is not able to send up the estimate for the necessary appropriation.

It is very important, therefore, that this bill be acted upon now, and it was for that reason only that I asked permission to interrupt the Senator from Michigan. The bill was unanimously reported by the Judiciary Committee, and we feel that it is very important that it be passed so that this program may be completed, and the appropriations considered by the appropriate committees of Congress.

The VICE PRESIDENT. The amendments of the committee will be stated.

The amendments were, on page 4, line 9, after the word "That," to strike out "no class of articles or commodities shall be produced for sale to or use of departments or independent establishments of the Federal Government in United States penal or correctional institutions which at present are being produced by civilian employees at the navy yards, arsenals, mailbag repair shop, or other Government owned and operated industrial establishments, or such articles as these Government owned and operated establishments are equipped to produce," and to insert "any industry established under authority of this act be so operated as not to curtail the production within its present limits of any existing arsenal, navy yard, or other Government workshop"; on page 5, line 1, after the word "Government," to strike out "; require any United States department or establishment to purchase at current market prices, as determined by the Attorney General or his authorized representative, such articles, commodities, or supplies as meet their specifications, subject to the limitations contained in section 5 hereof" and to insert "and the several Federal departments and all other Government institutions of the United States shall purchase at not to exceed current market prices such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the superintendent of supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties"; on the same page, line 23, after the words "replacement of," to insert "industrial"; and in line 25, after the word "employees," to insert "engaged in any industrial enterprise," so as to make the bill read:

*Be it enacted, etc.,* That the Attorney General is hereby authorized and directed to select forthwith and procure two sites, of not less than 1,000 acres each, and cause to be erected thereon suitable buildings for two institutions for the confinement of male persons who have been, or shall be, convicted of offenses against the United States. One of such sites to be selected shall be situated north of 38° north latitude and east of 80° longitude to serve the northeastern section of the United States, and one of such sites shall be situated west of the Mississippi River. Both sites shall be selected with due regard to the source of commitments, climatic conditions, and transportation facilities.

Sec. 2. The institution authorized hereunder, to be located west of the Mississippi River, shall be of the reformatory type and shall be for the confinement of young offenders and others who, in the opinion of the Attorney General, are proper persons for detention in a reformatory.

The institution authorized hereunder, to be located in the northeastern section of the United States, shall be of the penitentiary type and shall be for the incarceration of adult male persons sentenced to terms of imprisonment for more than one year with or without hard labor.

Sec. 3. Upon the selection of appropriate sites the Attorney General shall submit to Congress estimates of the cost of purchasing the same, and of remodeling, constructing, and equipping the necessary buildings

thereon. The Attorney General, at the same time and annually thereafter, shall submit estimates covering the expense of maintaining and operating such institutions, including salaries of all necessary officers and employees.

Sec. 4. The Secretary of the Treasury is hereby authorized, upon request of the Attorney General, to cause plans, specifications, and estimates for the remodeling and constructing of the necessary buildings to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and the work of remodeling and constructing the said buildings to be supervised by the field force of said office: *Provided*, That if, in his discretion, it would be impractical to cause such plans, specifications, and estimates to be prepared in the Office of the Supervising Architect of the Department of the Treasury, and such work to be supervised by the field force of said office, the Secretary of the Treasury may contract for all or any portion of such work to be performed by such suitable person or firm as he may select: *Provided further*, That the proper appropriation for the support and maintenance of the Office of the Supervising Architect be reimbursed for the cost of such work and supervision.

Sec. 5. The control and management of said institutions established hereunder shall be vested in the Attorney General, who shall have power to appoint, subject to the civil service laws and regulations of the United States, superintendents, assistant superintendents, wardens, keepers, and all other officers and employees necessary for the safekeeping, care, and discipline of the inmates of said institutions; and the Attorney General shall have power to prescribe all necessary rules and regulations for the governance of the officers, employees, and inmates of said institutions. In connection with the maintenance and operation of said institutions the Attorney General is authorized to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation: *Provided*, That such industries of farming and other activities shall be devoted to the production and manufacture of articles, commodities, and supplies for the use of the United States Government: *Provided further*, That any industry established under authority of this act be so operated as not to curtail the production within its present limits, of any existing arsenal, navy yard, or other Government workshop.

Sec. 6. The inmates of said institutions shall be employed in such manner and under such conditions as the Attorney General may direct. The Attorney General may, in his discretion, establish industries, plants, factories, or shops for the manufacture of articles, commodities, and supplies for the United States Government; and the several Federal departments and all other Government institutions of the United States shall purchase at not to exceed current market prices such products of the industries herein authorized to be carried on as meet their requirements and as may be available and are authorized by the appropriations from which such purchases are made. Any disputes as to the price, quality, suitability, or character of the products manufactured in any prison industry and offered to any Government department shall be arbitrated by a board consisting of the Comptroller General of the United States, the Superintendent of Supplies of the General Supply Committee, and the Chief of the United States Bureau of Efficiency, or their representatives. The decision of said board shall be final and binding upon all parties. There may be established a working-capital fund for said industries out of any funds appropriated for said institutions; and said working-capital fund shall be available for the purchase, repair, or replacement of industrial machinery or equipment, for the purchase of raw materials and supplies, for personal services of civilian employees engaged in any industrial enterprise, and for the payment to the inmates or their dependents of such pecuniary earnings as the Attorney General shall deem proper.

Sec. 7. It is hereby declared to be the policy of the Congress that the said institutions be so planned and limited in size as to facilitate the development of an integrated Federal penal and correctional system which will assure the proper classification and segregation of Federal prisoners according to their character, the nature of the crime they have committed, their mental condition, and such other factors as should be taken into consideration in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions.

Sec. 8. Any person not authorized by law or by the Attorney General or his representative who introduces or attempts to introduce into or upon the grounds of the institutions herein authorized any narcotic drug, weapon, or any other contraband article or thing, or any letter or message intended to be received by an inmate thereof, shall be guilty of a felony and punishable by imprisonment for a period of not more than 10 years.

Sec. 9. It shall be unlawful for any person properly committed to the institutions described herein to escape or attempt to escape therefrom; and any such person upon apprehension and conviction in a United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of or upon legal release from the sentence for which said person was originally confined.

Sec. 10. It shall be unlawful for any person to procure the escape of any inmate properly committed to the institutions referred to above, or to advise, connive at, aid, or assist in such escape, or conceal any



such inmate after such escape, and any person convicted in a United States court of any such offense or offenses shall be punished by imprisonment for not more than three years.

SEC. 11. The expense, not to exceed the sum of \$35,000, incurred in the travel necessary in the selection of sites, the making of surveys, the making of preliminary sketches, and the securing of options shall be payable out of the appropriation for the "Support of United States prisoners" for the fiscal year in which such expense is incurred.

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ORDER OF BUSINESS

Mr. McNARY. Mr. President, will the Senator from Michigan yield to me for a moment?

Mr. COUZENS. I yield. I understand that on Monday the tariff resolution which was introduced by the Senator from Utah [Mr. Smoot] comes up. I will renew my motion after that is disposed of.

Mr. McNARY. Very well.

The Senator from Utah has given notice that he will bring up, soon after 12 o'clock on Monday, his proposal concerning the conference report on the pending tariff bill. There is a large calendar in executive session, and I move—

The VICE PRESIDENT. If the Senator will yield for a moment, the Senator from Minnesota [Mr. SCHALL] has notified the Chair that he desired to be recognized for a few minutes.

Mr. McNARY. I yield to the Senator.

#### CLAIMS GROWING OUT OF FIRE IN MINNESOTA IN 1918

Mr. SCHALL. Mr. President, I desire to say a few words in behalf of the bill introduced by my colleague [Mr. SHIPSTEAD] in behalf of the fire sufferers of Minnesota. I want to urge the Claims Committee to give it their immediate attention.

In October, 1918, while the Director General of Railroads was operating lines of railway in Minnesota several counties in my State were swept by one of the greatest fire disasters in the Nation's history. Hundreds of lives were lost and thousands of square miles of land laid bare. The entire city of Cloquet, Minn., which had been a thriving lumber-manufacturing center, was completely destroyed by this holocaust. Even though the country was then in the final stages of the World War and people had been called upon to give for the successful prosecution of the war, the Red Cross, aided by thousands of sympathetic citizens in Minnesota, rushed to the aid of these people who had been left destitute and in dire want. The situation in northeastern Minnesota at the time and immediately after this tremendous fire, beggars description. Thousands of families lost their buildings, live stock, clothing, furniture, machinery, and every item of personal property which they possessed.

In addition to being completely stripped of every necessity of life their land was so charred and burned by this tremendous conflagration that it was rendered in many cases unproductive and as useless for farming purposes as desert sand without water.

There were approximately 10,000 families absolutely impoverished, and hundreds of them were in such desperate straits that they migrated to other States of this Union, hoping to again get a start in life. There are several hundred of these people on the Pacific coast, several hundred in the Southwest, and hundreds more scattered through the Central West and East.

Shortly after the fire action was started in various courts for claimants seeking restitution from the United States Railroad Administration on the ground that these fires were directly traceable to the negligence of the railroad administration. There followed a long series of lawsuits, vigorously prosecuted and even more vigorously defended by the Government. At one time there were five district judges occupied for four and one-half months on the trial of a test case known as the Cloquet case. This action was tried several times and finally went to the Minnesota Supreme Court, and the liability of the Government was firmly fixed in all of the decisions.

There were thousands of these actions filed, and if all of them had been forced to trial by the Government it would have taken every judge in the State of Minnesota all of this time for more than 10 years, to the exclusion of every other class of court business. Manifestly, the trial of these cases was an utter and physical impossibility. Furthermore, these claimants were so impoverished and so thoroughly in need of whatever they could get from these cases that they were disposed to settle them as quickly as possible regardless of the amount paid. After the litigation had established the Government's liability negotiations

were entered into for the settlement of these actions by the Government's attorneys and the plaintiffs' attorneys.

In the meantime the Government had a large corps of surveyors, timber cruisers, adjusters, and experts of various kinds go over this entire fire-swept area and thoroughly check the claimants and their losses. Every claimant was required to file a sworn statement of every item which he claimed was burned in this tremendous fire. For example, if a claimant had two suits of clothes he was required to show under oath where he bought each suit, how much each suit cost, what he felt said suit was worth when it was burned.

Every item of furniture and household goods required a like explanation, and in many cases when the statement of loss was filed the Government men struck off and disapproved items. So when the final claim of each sufferer was checked up it had been pared down to the very minimum and represented in many cases less by far than the actual loss sustained.

After this had been done, attorneys for both sides sat in conference, and the Government then offered to pay only 50 per cent of the loss sustained in one area; in another area 45 per cent, and other areas from 35 to 45 per cent.

In other words, under the difficulties of the situation the Government officials shaved off millions of dollars owing to these sufferers, and these sufferers in dire need and absolute want were compelled to take what they could get.

In every case where this sort of settlement was made a stipulation was entered into between the attorneys for both sides setting forth the actual loss sustained by each claimant after a careful governmental check and then reciting that a compromised payment was being made and discharging the Government from further legal liability.

For example, John Jones sustained an actual loss of \$100. This \$100 figure was arrived at only after the Government officials had checked every item of the claim and had reduced the amounts to an absolute minimum and had agreed that this last was actually sustained. Then instead of paying \$100, the actual loss, the Government paid as low as \$35 to some sufferers and as high as \$50 to others, but first required a release.

I contend that the United States Government should never compromise on right and justice as the Government owed morally and legally the sum of \$100 to John Jones; it should have paid \$100 and no less.

This is true in every one of these thousands of cases and this bill seeks to remedy an injustice which has been permitted to run along for some years.

The United States Government was and is responsible for 100 per cent of the loss which it caused, and which by solemn agreement it agreed claimant had sustained. I am sure that none of us in this Congress desire to take "advantage of a situation where starving and destitute people were forced by the strong arm of their own officials to take less than the amount honestly and fairly due them, and I trust this bill may receive speedy consideration so that the thousands of people who suffered intensely through the negligence of Government officials may receive the justice they expect from the United States of America."

Every agency in northern Minnesota, and, in fact, all of Minnesota, expects the Government to do no less. The commercial clubs and organizations of that part of the State familiar with the situation unanimously indorse this bill. Other organizations in Minneapolis and St. Paul have announced themselves as favoring its speedy passage. There are tens and tens of thousands of people, most of them in Minnesota, but many scattered, as I have said, in other States, watching this measure and its progress. They want justice, they expect justice, and let us hope they will get justice as fast as the Congress is able to give it to them, and these thousands of claimants who certainly have waited many years longer for relief than they were entitled so to do may receive their just dues.

No citizen of this Nation should be unjustly coerced by this Government.

A knowledge of the facts in these cases will convince anyone that the settlements made and the amounts paid by the Government were unconscionable, less than the Government stipulated had been sustained by the sufferers, and I submit that such a course of conduct upon the part of any individual would be immediately stamped as fraudulent and dishonest. It can be no less fraudulent and no less dishonest when brought about by the arbitrary power of the Railroad Administration. It is in behalf of simple justice for the poor and the needy that this bill has been offered by my colleague, Senator SHIPSTEAD, and it is in behalf of an effort to give these unfortunate people some measure of belated justice that I urge the immediate consideration of this measure.

There is no room in America for arbitrary power. There is no room for injustice, duress, and coercion upon the part of any governmental agency in this democracy of ours.

## EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business in open session.

Mr. HAWES. Mr. President, will the Senator permit me to have just five minutes before doing that?

The VICE PRESIDENT. Does the Senator from Oregon yield for that purpose?

Mr. WATSON. Mr. President, let me plead with the Senator from Missouri not to proceed now. The Senator from Michigan [Mr. COUZENS] has not finished his speech.

Mr. HAWES. The Senator has not concluded his remarks?

Mr. COUZENS. No; I yielded for the purpose of an executive session.

Mr. McNARY. I insist on my motion, Mr. President.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

## EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States making nominations, which were referred to the appropriate committees.

## THE CALENDAR

The VICE PRESIDENT. Reports of committees are in order. If there be no reports of committees, the calendar is in order.

## POSTMASTERS

The legislative clerk proceeded to announce the nominations of sundry postmasters.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc, and the President will be notified.

## NAVY DEPARTMENT

The legislative clerk announced the nomination of Frank B. Upham to be Chief, Bureau of Navigation, with rank of rear admiral.

The VICE PRESIDENT. Without objection, the nomination is confirmed, and the President will be notified.

## PROMOTIONS IN THE NAVY

The legislative clerk proceeded to announce sundry promotions in the Navy.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc, and the President will be notified.

## PROMOTIONS IN THE MARINE CORPS

The legislative clerk proceeded to announce sundry promotions in the Marine Corps.

The VICE PRESIDENT. Without objection, the same order will be made in regard to promotions in the Marine Corps.

This completes the calendar.

## DESTRUCTION OF PROPERTY IN COLUMBIA, S. C., BY SHERMAN'S ARMY

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed as a public document the remarks I made yesterday afternoon on the destruction of property in Columbia, S. C., by Sherman's army and the data that went with the remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

## ADJOURNMENT UNTIL MONDAY

The VICE PRESIDENT. The business of the Senate having been concluded, the unanimous-consent order heretofore made will be carried out.

Thereupon (at 4 o'clock and 45 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, May 19, 1930, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate May 16, 1930*

## CONSUL GENERAL

Joseph W. Ballantine, of Massachusetts, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

## COAST GUARD

The following-named district commanders, with the rank of lieutenant, to be district commanders, with the rank of lieutenant commander, in the Coast Guard of the United States, to rank as such from March 11, 1930:

Frank B. Lincoln.

John Kelly.

The following-named officers in the Coast Guard of the United States:

*To be lieutenants, to rank as such from May 15, 1930*

Lieut. (Junior Grade) Gaines A. Tyler.  
Lieut. (Junior Grade) Ira E. Eskridge.  
Lieut. (Junior Grade) Harry W. Stinchcomb.  
Lieut. (Junior Grade) Harold C. Moore.  
Lieut. (Junior Grade) Richard M. Hoyle.  
Lieut. (Junior Grade) Stanley J. Woyciehowsky.  
Lieut. (Junior Grade) Kenneth K. Cowart.  
Lieut. (Junior Grade) Morris C. Jones.  
Lieut. (Junior Grade) Miles H. Inlay.  
Lieut. (Junior Grade) Francis C. Pollard.

*To be lieutenants (junior grade), to rank as such from May 15, 1930*

Ensign Wilbur C. Hogan. Ensign Earl K. Rhodes.  
Ensign Dale T. Carroll. Ensign Carl B. Olsen.  
Ensign Kenneth P. Maley. Ensign Walter C. Capron.  
Ensign Samuel F. Gray. Ensign Watson A. Burton.

## APPOINTMENTS, BY TRANSFER, IN THE ARMY

## TO FINANCE DEPARTMENT

Capt. Bickford Edward Sawyer, Cavalry (detailed in Finance Department), with rank from September 16, 1925.

## TO INFANTRY

Capt. William Sydney Barrett, Chemical Warfare Service, with rank from May 4, 1927.

## PROMOTIONS IN THE ARMY

*To be captains*

First Lieut. William Lawrence Kay, jr., Field Artillery, from May 8, 1930.

First Lieut. Harry Marten Schwarze, Field Artillery, from May 10, 1930.

First Lieut. Philip Wallace Ricamore, Infantry, from May 10, 1930.

First Lieut. Benjamin Kenney Erdman, Infantry, from May 10, 1930.

*To be first lieutenants*

Second Lieut. Ridgley Gaither, jr., Infantry, from May 8, 1930.

Second Lieut. Earl William Aldrup, Quartermaster Corps, from May 8, 1930.

Second Lieut. Conrad Gordon Follansbee, Field Artillery, from May 9, 1930.

Second Lieut. John Henry Sampson, jr., Field Artillery, from May 10, 1930.

Second Lieut. George August Zeller, Ordnance Department, from May 10, 1930.

Second Lieut. August Edward Schanze, Infantry, from May 10, 1930.

Second Lieut. Howard Eugene Engler, Air Corps, from May 10, 1930.

## MEDICAL CORPS

*To be lieutenant colonels*

Maj. John Thomas Aydelotte, Medical Corps, from May 8, 1930.

Maj. Taylor Edwin Darby, Medical Corps, from May 9, 1930.

Maj. Charles Walter Haverkamp, Medical Corps, from May 14, 1930.

*To be major*

Capt. Milner Hubbard Eskew, Medical Corps, from May 8, 1930.

## DENTAL CORPS

*To be major*

Capt. Herman James Lambert, Dental Corps, from May 13, 1930.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 16, 1930*

## PROMOTIONS IN THE NAVY

Frank B. Upham to be Chief Bureau of Navigation with rank of rear admiral.

Russell Willson to be captain.

William A. Hall to be captain.

Donald B. Beary to be commander.

Seldon L. Almon to be lieutenant commander.

Leon J. Manes to be lieutenant.

Robert A. Knapp to be lieutenant.

Beverly E. Carter to be lieutenant.

Robert B. Ellis to be lieutenant (junior grade).

Benjamin Katz to be lieutenant (junior grade).

Joseph B. Logue to be surgeon.

Arthur Rembert to be paymaster.



*To be assistant naval constructors*

Alexander Sledge.  
Edmund M. Ragsdale.  
Charles M. Tooke.  
Henry T. Koonce.  
Allen M. Zollars.

Charles R. Watts.  
William E. Howard, jr.  
Raymond O. Burzynski.  
Ralph K. James.  
John Zabilsky.

*To be chief radio electricians*

John E. Ferree.

Francis J. Hall.

*To be ensigns*

Carlton R. Adams.  
Scarritt Adams.  
James A. Adkins.  
Jack Agnew.  
John W. Ailes, 3d.  
Stanley M. Alexander.  
Burrell C. Allen, jr.  
William Y. Allen, jr.  
Charles H. Andrews.  
John H. Armstrong, jr.  
Shryock M. Arwine.  
Griswold T. Atkins.  
John B. Azer.  
Harry P. Badger.  
Francis E. Bardwell.  
Arthur J. Barrett, jr.  
Rudolph C. Bauer.  
John K. Bisson.  
Paul P. Blackburn, jr.  
Boyd E. Blanchard.  
Everett M. Block.  
John B. Bowen, jr.  
Alston M. Boyd, jr.  
Lee De V. Boyle.  
Parke H. Brady.  
John L. Breault, jr.  
Harmon V. Briner.  
Richard R. Briner.  
John M. Bristol.  
George K. Brodie.  
Douglas B. Brokenshire.  
Charles B. Brook.  
Oscar M. Browne, jr.  
Edward Brumby.  
Harvey P. Burden.  
John G. Burgess.  
William A. Burgett.  
Martin C. Burns.  
William C. Butler, jr.  
George N. Butterfield.  
Norwood A. Campbell.  
Edward S. Carmick.  
Gilbert C. Carpenter.  
Francis M. Carter.  
Richard S. Cass.  
George B. Chafee.  
George M. Chambers.  
Wreford G. Chapple.  
Carlos M. Charneco.  
Baylies V. Clark.  
Henry G. Clark.  
James S. Clarkson.  
Joseph C. Clifton.  
Leonidas D. Coates, jr.  
Robert F. Coates.  
James W. Coe.  
Doyle M. Coffee.  
Edward E. Colestock.  
Richard J. H. Conn.  
Ray R. Conner.  
George Cook.  
John Corbus.  
Howard G. Corey.  
John R. Craig.  
Robert R. Craighill.  
Kyran E. Curley.  
Dana B. Cushing.  
Ruel S. Dally.  
James M. Daly.  
James W. Davis.  
Samuel D. Dealey.  
Jefferson R. Dennis.  
Paul L. de Vos.  
John B. Dimmick.  
Harry B. Dodge.

Joseph E. Dodson.  
Marshall E. Dornin.  
Jack S. Dorsey.  
Albert P. Douglass.  
Volckert P. Douw.  
William T. Doyle, jr.  
William McC. Drane.  
Elmer J. Dunn.  
Harold E. Duryea.  
Charles E. Earl.  
Otis J. Earle.  
Walter G. Ebert.  
Ian C. Eddy.  
John E. Edwards.  
William E. Ellis.  
Christian L. Engleman.  
Harry W. Englund.  
William C. Ennis.  
Lot Ensey.  
Robert J. Esslinger.  
William S. Estabrook, jr.  
Philip C. Evans.  
Milton D. Fairchild.  
William H. Farmer.  
Harold K. Feiock.  
John F. Flynn.  
George W. Foott, jr.  
James F. Forster.  
Robert B. Foster.  
Walter M. Foster.  
Bernhart A. Fuetsch.  
George E. Garcia.  
Victor S. Gaulin.  
William E. Gentner, jr.  
Kenneth McL. Gentry.  
Robert W. Germany, jr.  
Charles R. Gilliam.  
Donald W. Gladney, jr.  
Marvin H. Gluntz.  
John B. Gragg.  
James D. L. Grant.  
Elonzo B. Grantham, jr.  
Royce L. Gross.  
Alfred E. Grove.  
William W. Gubbins.  
Elvin Hahn.  
John R. Halle.  
Nathan S. Haines.  
Thomas B. Haley.  
Clifton G. Hall.  
Mervin Halstead.  
Paul W. Hanlin.  
Henry O. Hansen.  
Burton S. Hanson, jr.  
William L. Harmon.  
Ned Harrell.  
David A. Harris.  
Charles D. Hart.  
Robert C. Haven.  
David D. Hawkins.  
Charles H. Hayes.  
Hugh C. Haynsworth, jr.  
John T. Hayward.  
James H. Hean.  
George L. Heap.  
Paul F. Heerbrandt.  
Harold M. Heiser.  
Harold M. Heming.  
Charles R. Herms.  
Alexander S. Heyward, jr.  
Frank E. Highley, jr.  
Robert E. Hill.  
Frederick V. H. Hilles.  
Cyrus G. Hilton.  
Joseph A. E. Hindman.

Wellington T. Hines.  
George M. Holley, jr.  
Ephraim P. Holmes.  
Peter H. Horn.  
Herschel A. House.  
James H. Howard.  
John G. Howell.  
Charles C. Howerton.  
Horace S. Hubbard.  
Claud W. Hughes.  
John Hulme.  
Richard C. D. Hunt, jr.  
Thomas B. Hutchins, 3d.  
Andrew McB. Jackson, jr.  
Walter T. Jenkins.  
Robert F. Jennings.  
Frank L. Johnson.  
Raymond W. Johnson.  
Lafayette J. Jones.  
William C. Kaiser.  
Edwin G. Kelly.  
Durand Kiefer.  
John O. Kinert.  
William H. Kirvan.  
Denys W. Knoll.  
Lyle L. Koepke.  
Albert P. Kohlbas, jr.  
Albert Konigsberg.  
George F. Kosco.  
Donald F. Krick.  
James E. Kyes.  
Peter R. Lackner.  
Frederick W. Laing.  
James G. Lang.  
Hermap N. Larson.  
Rowland C. Lawver.  
John E. Lee.  
John M. Lewis.  
Nicholas A. Lidstone.  
Horatio A. Lincoln.  
Edward N. Little.  
Veldon O. Long.  
Charles W. Lord.  
Vernon L. Lowrance.  
William W. Lowrey.  
Frederic C. Lucas, jr.  
Nicholas Luckner, jr.  
Frank P. Luongo, jr.  
Oliver DeM. T. Lynch.  
Edward J. MacGregor, 3d.  
Hugh T. MacKay.  
Ray E. Malpass.  
Herbert H. Marable.  
George E. Marix.  
Edmund S. L. Marshall.  
Thomas W. Marshall, jr.  
Charles B. Martell.  
Lance E. Massey.  
Kleber S. Masterson.  
Laurance O. Mathews, jr.  
Charles T. Mauro, jr.  
Leo G. May.  
Raymond L. Mayo.  
Warren H. McClain.  
Charles E. McCombs.  
George T. McCready, jr.  
Montgomery L. McCullough, jr.  
Richard D. McGlathery.  
Louis D. McGregor, jr.  
John R. McKnight, jr.  
Bowen F. McLeod.  
Ira E. McMillan.  
Kenneth S. McPherson.  
Albert S. Miller.  
Frank B. Miller.  
Theodore T. Miller.  
William A. Moffett, jr.  
Robert L. Moore, jr.  
William B. Moore.  
John A. Moreno.  
Dudley W. Morton.  
Elias B. Mott, 2d.  
William T. Nelson.  
Byron B. Newell.  
Roscoe L. Newman.

James H. Newsome.  
Roy A. Newton.  
Joshua J. Nix.  
Richard M. Nixon.  
Kelvin L. Nutting.  
Emmet O'Beirne.  
Davis W. Olney.  
Charles H. Ostrom.  
George R. Over.  
Arthur E. Owen.  
George G. Palmer.  
Robert M. Patten.  
Robert E. Perkins.  
Mell A. Peterson.  
Walter B. Phillips.  
Herman A. Pieczentkowski.  
William S. Post, jr.  
Nicholas J. Pusel.  
Lynne C. Quiggle.  
Samuel M. Randall.  
Samuel A. Randolph.  
Frederick M. Reeder.  
Walter A. Reinhard.  
Edward C. Renfro.  
Everett O. Rigsbee, jr.  
Josephus A. Robbins.  
Frank L. Robinson.  
Allan B. Roby.  
James W. Rodgers.  
Charles H. A. Rohr.  
Robert A. Rosasco.  
Russell R. Ross.  
Joseph A. Ruddy, jr.  
Lawrence E. Ruff.  
Royal L. Rutter.  
Jack S. Salisbury.  
Henry G. Sanchez.  
Eddie R. Sanders.  
William H. Sanders, jr.  
Eugene T. Sands.  
Donald J. Sass.  
Gifford Scull.  
George C. Seay.  
John J. Shaffer, 3d.  
Raymond N. Sharp.  
Manley H. Simons, jr.  
John E. Sisson.  
Frank T. Sloat.  
Harry Smith.  
Philip T. Smith, jr.  
William O. Sneed, jr.  
Hiram W. Spence.  
Richard T. Spofford.  
Arthur F. Spring.  
Clyde B. Stevens, jr.  
James E. Stevens.  
Harry C. Stevenson.  
Francis S. Stich.  
Robert J. Stroh.  
Walter W. Strohbehn.  
Robert T. Sutherland, jr.  
Robert D. Sutton.  
Bryan F. Swan.  
John F. Tatom.  
Robert H. Taylor.  
James L. Thibault.  
William C. Thomas.  
Thomas J. Thornhill, jr.  
William G. Tisdale, jr.  
Bruce E. S. Trippensee.  
Robert S. Trower, 3d.  
Thaddeus J. Van Metre.  
Harry J. Verhoye.  
Mack E. Vorhees.  
James O. Vosseller.  
Alexander S. C. Wadsworth.  
Edwin O. Wagner.  
Ellis K. Wakefield.  
Wilfred A. Walter.  
Thomas S. Webb.  
Samuel P. Weller, jr.  
William F. Wesanen.  
Charles L. Westhofen.  
Harold P. Westropp.  
David L. Wheelchel.

Joe McA. Whitaker.  
Oliver E. White.  
Edson H. Whitehurst.  
James D. Whitfield, jr.  
William W. Wilbourne.  
Macpherson B. Williams.  
Francis E. Wilson.  
Frank I. Winant, jr.  
Walter C. Wingard, jr.

Thomas L. Wogan.  
Royal A. Wolverton.  
William T. Woodard.  
James A. Woodruff, jr.  
Thomas K. Wright.  
Henry S. Wygant, jr.  
William N. Wylie.  
Joseph B. H. Young.

*To be assistant paymasters*

Aubrey J. Bourgeois.  
Laurence Cardwell.

Edward P. Dorner.  
Walter F. Frien.

## MARINE CORPS

Andrew B. Drum to be lieutenant colonel.  
William J. Mosher to be captain.

*To be first lieutenants*

Walter I. Jordan.  
Arthur W. Ellis.  
Edwin C. Ferguson.

*To be second lieutenants*

Paul Moret.  
Thomas B. Hughes.  
William B. McKean.  
Glen G. Herndon.  
Fred D. Beans.  
Francis H. Williams.  
Harold W. Bauer.  
James T. Wilbur.  
Ernest W. Fry, jr.  
William B. Steiner.  
Frank G. Wagner, jr.  
Wallace M. Greene.  
Alvin W. Neal.

Frank M. Reinecke.  
Stewart Boyle.  
Paul W. Russell.  
Ronald D. Salmon.  
John M. Davis.  
Russell Lloyd.  
Edward A. Montgomery.  
Edgar O. Price.  
Lawrence C. Brunton.  
Samuel S. Yeaton.  
Donald McP. Weller.  
Walfried H. Fromhold.

## POSTMASTERS

## ALABAMA

Alida J. Cox, Spring Hill.

## ARKANSAS

Abe L. Eustice, Clarksville.  
George E. Owen, Conway.  
Hubert C. Hallowell, Pochontas.

## FLORIDA

Daniel H. Bishop, Mount Dora.

## HAWAII

Harry E. Apo, Kaunakakai.

## IDAHO

Earl H. Barnes, Pierce.  
Hazel L. French, Roberts.

## IOWA

Gus J. Walters, Alta Vista.  
Gust A. Hall, Colo.  
Samuel J. Stites, Crawfordsville.  
Robert B. Light, Deep River.  
George A. Redenbaugh, Tabor.  
Walter H. Vance, Winterset.

## KENTUCKY

Marvin W. Barnes, Elizabethtown.

## MARYLAND

Robert H. Lancaster, Frostburg.  
Raymond R. Russell, Reisterstown.

## MASSACHUSETTS

Dana O. Merrill, East Pepperell.  
Charles W. Hardie, Harwich Port.  
Emma E. Murphy, Minot.  
Benjamin R. Gifford, Woods Hole.

## MISSISSIPPI

Ruby W. Bacon, Schlater.

## NEBRASKA

Cecil E. Mills, Long Pine.

## NEW MEXICO

Lydia C. Harris, Mesilla Park.  
Roy H. Smith, Tucumcari.

## NEW YORK

John C. Tharp, Campbell.  
Susan G. Patterson, Delmar.  
Grace O. Meloy, East Durham.

Clarence A. E. Churchill, Ellicottville.  
Leon F. Hawley, Holley.  
Robert Mann, Jeffersonville.  
Ella L. Winch, Lakewood.  
Warren S. Hutchison, Lyndonville.  
John C. Dickey, Mount Morris.  
Frederick Harrigan, Roosevelt.  
Earl S. St. John, Walton.  
John C. Shanks, Waterloo.  
Susie E. Garrison, Wingdale.

## NORTH DAKOTA

Chester R. Hodge, Jamestown.

## OHIO

Faye W. Helmick, Baltimore.  
Glenn L. Shaffer, Bellville.  
Charles A. Ridgley, Chesterhill.  
Preston J. Knight, Ellet.  
James M. Light, Greenville.  
Marold J. Taylor, Marengo.  
Jesse A. Keller, Pleasantville.  
Julius R. Bruns, St. Henry.  
Harry B. Carver, Troy.  
Millard H. Bell, West Mansfield.  
Frank L. Currey, Yellow Springs.

## OKLAHOMA

John E. T. Clark, Coalgate.  
Levi R. Gray, Dover.  
Joseph G. Chappellear, Gotebo.  
Alice B. Spears, Hulbert.

## PENNSYLVANIA

Helen H. Rodgers, Fredericktown.  
George H. Mull, Knox.  
Theodore E. Sweeney, Sewickley.

## TENNESSEE

Grant L. Landiss, Cumberland City.  
Thomas D. Walker, Kerrville.  
Tim F. Stephens, Livingston.

## TEXAS

James I. Carter, Arlington.  
Cyrus W. Odom, jr., Blackwell.  
Lee K. McKewen, Huntington.  
Daisy M. Singleton, Marble Falls.  
Robert J. Sisson, Palacios.  
Thomas F. Lindley, Seminole.  
Adolph P. Stautzenberger, Seguin.  
Clinton J. Farrell, Vernon.

## WASHINGTON

Herbert K. Rowland, Zillah.

## WEST VIRGINIA

Thomas S. Riggs, Moundsville.  
Fanny Murray, Sandyville.  
James W. White, Webster Springs.

## WYOMING

Ivor Christensen, Hanna.

## HOUSE OF REPRESENTATIVES

FRIDAY, May 16, 1930

The House met at 12 o'clock noon.  
The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

How manifest are Thy mercies, O God, and nothing shall be able to separate us from Thy providence. To us Thou art a perennial spring by the traveler's way, a guiding star in the night of uncertainty and darkness, and a refuge unmoved and unmovable forever. We have learned that it is not in vain to call upon Thee in the emergencies of human experience. May this divine word possess our hearts, "Thy will be done." Whatever may come of care and burden and trial, sanctify them in strength, patience, humility, trust, and victory. O let there come honor and peace to everyone that worketh good. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.



## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate disagrees to the amendments of the House to the bill (S. 108) entitled "An act to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. THOMAS of Idaho, and Mr. RANSDELL to be the conferees on the part of the Senate.

## ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Tuesday next be an additional Consent Calendar day, beginning where the call leaves off on Monday, the regular Consent Calendar day, and that the entire day be devoted to the Consent Calendar, without suspensions.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Tuesday next be considered as consent day, beginning where the call leaves off on Monday, without motions for suspension of the rules. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, that is pretty hard on us who have to look after these bills. We will not be expected to run longer than 4 o'clock, I hope?

Mr. TILSON. The Consent Calendar is very much crowded, and we should like to have it cleaned up if possible.

Mr. LAGUARDIA. I hope we will not run after 4 o'clock.

Mr. TILSON. That is pretty early to adjourn.

The SPEAKER. Is there objection?

There was no objection.

Mr. TILSON. Now, Mr. Speaker, I ask unanimous consent that on Friday next bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Friday next the Private Calendar may be considered for bills unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. GARNER. I thought the gentleman was going to include Saturday in that request, so as to clean up the two calendars. That will not detain Members who are not interested in the Private Calendar who want to take the week-end, but the two calendars are quite lengthy. If you could take Friday and Saturday for the Private Calendar for unobjected bills we may be able to clean it up.

Mr. TILSON. Let that go until later and I will confer with the gentleman.

The SPEAKER. Is there objection?

There was no objection.

## THE BROOKLYN NAVY YARD

Mr. CULLEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a resolution for my colleague, Mr. QUAYLE, of New York, in relation to the Brooklyn Navy Yard.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The resolution is as follows:

Whereas the President of the United States has recommended to big business that every effort be made to avoid discharges of workmen and reductions in wages in order to minimize the hardships incident to the employment situation; and

Whereas the State and city of New York have appropriated funds to be used in the furtherance of public works for the purpose of relieving the unemployment situation; and

Whereas since the time these recommendations were made by the President to the representatives of big business thousands of workmen have been discharged from the New York Navy Yard and other navy yards for lack of work, and according to reliable reports we have received from the workmen of the New York Navy Yard, a reduction in wages is contemplated through the process of reducing the proportion of men receiving the first-class rate of pay and correspondingly increasing the proportion of workmen receiving the second and third class rates of pay; and

Whereas it appears that under the pending treaty a considerable amount of modernization work can consistently be authorized: Therefore be it

*Resolved*, That the undersigned representatives of Congress respectfully petition the President of the United States and the Secretary of the Navy to recommend to Congress through the Budget Bureau an authorized act to proceed with the modernization of the *Mississippi*, the *New Mexico*, and the *Idaho*, the three remaining battleships which under the pending treaty can still be modernized, and that all other naval work which ultimately has to be performed be authorized at this time in order that the unemployment situation can be speedily relieved, and at a time when it will do the greatest public good; be it further

*Resolved*, That the President of the United States and the Secretary of the Navy be requested to prevent either directly or indirectly a reduction in the wages of workmen at the New York Navy Yard.

Senator ROBERT F. WAGNER.

Senator ROYAL S. COPELAND.

Congressman THOMAS H. CULLEN.

Congressman GEORGE W. LINDSAY.

Congressman LORING M. BLACK, JR.

Congressman ANDREW L. SOMERS.

Congressman JOHN F. QUAYLE.

Congressman PATRICK J. CARLEY.

Congressman DAVID J. O'CONNELL.

Congressman EMANUEL CELLER.

Congressman WILLIAM F. BRUNNER.

## THE SUCCESS—THE FIRST MOTOR-PROPELLED VEHICLE IN OKLAHOMA TERRITORY

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, the automobile industry has been one of the greatest contributions made by the ingenuity of man for the welfare of the entire world. Some time ago I was asked to contribute an article to the Hobart Democrat-Chief, the only daily paper published in my home county in Oklahoma, and for the reason that I owned what was said to be the first motor-propelled autobody in what was then the Territory of Oklahoma, I prepared an article which gave some information relative to this mechanical contraption, which was wrongly named The Success. It is as follows:

## CONGRESSMAN TELLS HOW SNYDER WAS FIRST TOWN IN STATE WITH GAS BUGGY

By Hon. J. V. McCLINTIC of Oklahoma, Member of Congress

In August, 1905, while standing on Olive Street in St. Louis, Mo., I saw a strange contraption coming down the street in the shape of a vehicle without any horses attached, and naturally it attracted my curiosity. When it stopped, I drew near for the purpose of finding out something more about it, and it so happened that the person operating the same was its inventor. After listening to him for a while, I came to the conclusion that this was the beginning of a new era in transportation, and that it was only a question of time until the people everywhere would be riding in horseless carriages. Therefore, following the natural inclination of a small boy who wanted a piece of candy, I asked how much it cost and bought it.

Returning to Oklahoma Territory, I wondered why prompt shipment was not made, and later was informed that for the reason no railroad in St. Louis had ever shipped any such contraption there was no rate tariff available, and they did not know whether to class it as a livery vehicle, a gasoline engine, or whatnot, so to be safe, they refused to accept it for a freight shipment. The person I purchased the same from shipped it to me by express, thereby making an awful big dent in my pocketbook.

The name of this auto vehicle was "The Success." I took the State agency, having in mind that if it worked satisfactorily and there was a demand for such a vehicle I would close out my dry-goods business and become the first salesman of a self-propelled vehicle in Oklahoma.

Crowds of onlookers appeared whenever I brought my "Success" motor buggy out for a demonstration, and it was with some difficulty that I got it to operate successfully up and down the streets of Snyder, for the reason every time we met a team of horses there was usually such an interruption of traffic as to bring about some little disturbance. In addition, the machine, being propelled by a 1-cylinder engine that did not have a muffler attached, made enough noise to arouse not only the near-by citizens but everything within a radius of one-half mile or so. The motor required a lot of cranking, and it was necessary to let it run until the speed increased sufficiently to work up enough power to start the vehicle, as it did not have but one kind of a clutch, which made it impossible to get up very much speed.

I never did get it outside the town limits. It reminded me a good deal of a car that was later manufactured called K-R-I-T, which when explained by one of the owners meant "keep right in town." On one occasion I attempted to take a traveling salesman to the depot, which was then at the crossing of the two Frisco tracks. It performed nicely for about half the distance and then quit. I got out and cranked it for a little while until finally the traveling salesman said, "I see the smoke of the train coming. I think I can take my grips and walk to the depot in time. Therefore, if you don't mind, I will leave you with the car until I see you on the next trip."

To make a long story short, after having caused a lot of runaways, a number of posts being jerked out from under awnings, and in addition made a lot of my friends mad, I decided that "The Success" was a little bit premature for the West. So, with the aid of several monkey wrenches, I took the engine off, disconnected all the chains

and couplings, bought me a horse and a pair of shafts, thereby converting the same into a modern vehicle, which not only pleased my neighbors, who were worried with the loud explosions caused by different kinds of exhaust, but reestablished me to a certain extent with some of my friends whose teams had caused them a lot of trouble because of such vehicle.

One of the Kansas City papers gave me a write-up, stating that this was the first autobody in Oklahoma. Therefore I am contributing this article with the hope that my friends can get some enjoyment out of my experience when I tried to be sufficiently progressive to blaze a way for modern, up-to-date transportation.

#### PROHIBITION

The SPEAKER. Under the order of the House, the gentleman from New York [Mr. OLIVER] is recognized for five minutes.

Mr. OLIVER of New York. Mr. Speaker, the crux of the control of prohibition legislation is in the appropriation to enforce the law. The group that controls the appropriation may dictate the law. Therefore, it is plain that if those who seek modification under various and divergent plans centralize their efforts and work to control the appropriation, they can, after they secure control, determine the plan of relief. It is a waste of time to devise plans of relief until the power to enforce relief is in their possession. The only place where the modificationists can secure control is in the House of Representatives. Any bill providing for a modification of the law must pass both the House and Senate and be signed by the President. The battle to secure the approval of these three branches of the legislature is difficult to win, in view of the construction of the machinery of the Government. Senators are elected for a term of six years, and represent the States. Two Senators from a State which has but 1 Congressman out of 435 can equal the votes of two Senators who represent a State which has 45 Members of the 435. If the modificationists will centralize their efforts on winning the House with a motto of "No appropriation," they will have a shorter battle and more hope of success.

Of course, this will be called nullification. The time has come to disregard names that mean little or nothing, and to seek results that mean everything. This plan will nullify hypocrisy; the undue centralization of authority; the outrageous campaigns of murder by which the law has been enforced; the tremendous advance in the Federal prison population; the poisoning of citizens by their Government; the oppression and tyranny of the servants of the people; the enthroning of fanaticism and theocracy; the blackmail, graft, and blackguardism of the forces of righteousness; and the waste and destruction of public funds.

Ten years is sufficient time for a nation to judge upon the effect of one of its laws. Prohibition, intending to destroy the saloon, has created the speak-easy; intending to dismantle the distiller, it has set up the bootlegger; intending to smash the liquor traffic, it has spread it far and wide; intending to bring salvation, it has brought temptation; intending to ennoble the character of America, it has made it lawless. The record of prohibition is becoming as notorious as the record of the saloon. Both should be destroyed.

What shall take their place can not now be determined. The drys will not compromise, although a half a dozen great States refuse to lend their enforcement machinery to this unenforceable law. In a few years more they will lose more States, but that will not discourage their ambition to have the power to govern America.

The battle-ax for the wets is the control of the appropriations in the House. For 10 years most all of the members of the modification group have voted for all appropriations to enforce the law. The period of experiment is over. The drys refuse to admit failure, although the proof of failure comes from almost every section of the country. If the modificationists desire a change, their only method is to control the appropriations in the House. "No appropriation" should be on the campaign banner of every man running for Congress on a pledge to liberalize the law. There is an old Chinese expression, "No tickie; no shirtee," that carries its own meaning. Let the wets adopt its philosophy. [Applause.]

LIFE, CHARACTER, AND PUBLIC SERVICES OF EUGENE J. HAINER, WILLIAM L. STARK, AND MELVIN O. McLAUGHLIN

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SLOAN. Mr. Speaker, prefacing a request, permit me to say I sat with Members and relatives who yesterday remembered colleagues whom the last year called.

In a vision of subdued beauty, dominated by lily and palm; mid music strains from instruments of string and reed; with the sweetness of song from voices of many, and especially of one; in the purity of prayer, versatile and devout; by the ritual of the rose; under the spell of inspired speech from orator of the North and sage of the South; and throughout the sad and solemn procedure conducted by our presiding genius, without halt or mar, there was presented a memorial program hitherto so unapproached in simplicity, symmetry, and completeness that it well may be a standard for years, deserved by the departed, appreciated by all who did attend.

While witnessing the honor yesterday conferred I thought of the great majority of this body's historic membership who came here, labored, strove, deserved, and in time, by their own will or by the reverse mandate of those who bade them come, left this Chamber for the comforts, joys, mayhap the disappointments of private life, and then obeyed that summons against which public service can not defend nor can private life avoid.

Our CONGRESSIONAL RECORD, too often the subject of unwarranted jest, is the faithful repository of our doings, whether of labored argument, keen debate, or flashing wit, should also be a mausoleum of memory for all who honored with their best, this most exalted popular legislative Chamber of the world.

In the nearly twoscore years' history of the fourth Nebraska district there were six Members. Three are living, three are dead. The deaths of the first, second, and fifth occurred during the decade of my absence from the House. I ask leave to extend my remarks in the RECORD, giving brief tributes to Hons. Eugene J. Hainer, William L. Stark, and Melvin O. McLaughlin.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

HON. EUGENE J. HAINER

Mr. SLOAN. Mr. Speaker, over in Hungary, at Pecz, August 16, 1851, Eugene J. Hainer was born in an atmosphere and area of revolution. His parents, Ignatz and Etelja Hainer, were factors of the great uprising in Hungary under Kossuth. His father served for a time in the capacity of private secretary to Kossuth. He was a patriot devoted, a scholar intense. As the one he came to America when Eugene was 2 years old. As the other he taught in Columbia University, Mo., for six years. Too strong an abolitionist for that community, he went to Iowa, where five of his eight children were educated at Iowa State College.

As a scholar, hearken to the classic baptismal names of his children: Laura, Eugene J., Julius Caesar, Victor, Bayard Taylor, Hermine, Norma, and Vasti. He retained his love for the fatherland, though he became a naturalized American. He joined with many compatriots in establishing a town significantly named Buda, in Decatur County.

On a small farm directed by this scholar and his wife, the latter one of the finest characters whom it has been my privilege to know, worked out a livelihood and laid foundation for careers of this family of scholars, one of whom, Julius Caesar, was my instructor, and two, Bayard Taylor and Hermine, were my fellow graduates at Ames in 1884.

The mother was the financial expert and the directing genius of this rural hive of hard work. To her example of industry and thrift was due a large measure of the material success of the members of this notable family. The dreaming and ascetic father, while a worker, was more given to meditation and philosophy.

Eugene, after attending public school, labored on neighboring farms, accumulating the small sum which started him at the Iowa State College. Here he attended for three years, absorbing from that institution in that time much more than many who stayed for their parchment. He took his law degree at Drake University, Des Moines, in 1876. A year thereafter he began practice of law at Aurora, Nebr.

He was married in 1880 to Julia Blodgett, a classmate. This was a marriage of a womanly woman unto a manly man. In his life's poem, his married life was the most inspiring stanza. They were lovers unto death. Two daughters brightened their home, Julia O'Connor of Monrovia, Calif., and Laura Hurtz of Omaha, Nebr.

A profound student of law and human nature, he was a wise and trusted counsellor for the many pioneers from a large radius centering in Aurora. He was an effective jury lawyer, and persuasive before the courts, where learning matched with zeal and bottomed on high character went far in a client's interest.

A lawyer he began, a lawyer he died. He recognized that "the law is a jealous mistress," but he did not permit his devotion to interfere with business opportunities in land, banking, and above all in developing with men like Joseph H. Rush-



ton, Wallace Wheeler, James H. Smith, E. T. Rector, and Frank Howe the Fairmont Creamery, now one of the two greatest on the globe, the other being the Beatrice. Pardon if I state here with some degree of district pride the fact that these two originated in the fourth congressional district of Nebraska.

He early became a leader of his party in the State. When the redistricting of 1891, based upon the census of 1890, carved Nebraska into six congressional districts, he was the outstanding character considered and selected to represent the fourth. This he did with signal ability for two terms. He was defeated for a third term, due to the free-silver issue, which doctrine for a time prevailed in Nebraska. In the House his strength and loyalty were recognized by Speaker Cannon, that unerring judge of men, who placed him on the great Appropriations Committee where he became a powerful factor. The Treasury, which it was his duty to defend, never suffered from surprise attacks when Hainer was on guard.

During his service the money question was the acute and dominating issue, although the protective tariff then, as now, was the basic issue underlying our Nation's prosperity. He supported President Cleveland's stand on sound money through the gold standard in the face of fierce opposition in both his own and the Democratic Party. Had he trimmed his sails he might have succeeded for a third term. But his opponent was a consistent supporter of the free-silver issue and so the battle was fought, and Congressman Hainer was defeated and Judge William L. Stark, his fellow townsman, won.

On the floor of the House he was forceful in formal speech; but his qualities of keen courage and ready reasoning shone forth under the 5-minute rule, where argument, humor, and wit, like new coins, flash into being to startle adversary and please friend.

In Congress and out of it, in the presence of exalted competitor, official or business, or before the courts of final resort he showed leonine courage, always fronting place and power with unquailing eye and unhesitant tongue.

One one occasion before the Supreme Court of Nebraska he had made serious strictures upon its rulings. Chief Justice Sedgwick said, "Mr. Hainer, the court would like to know just what you think of it." Hainer said, "That would place me in contempt and subject me to your penalty." Said Sedgwick, "No punishment will be administered for compliance with our request. Proceed, Mr. Hainer." Said Hainer, with emphasis but no intended profanity, "This court is a damned lawless set." I do not know what was actually then and there recorded, but the above is accepted by the Nebraska bar as more than legend.

A friend and business associate said well and truly of him:

Judge Hainer became interested in banks when he first moved to Nebraska. He worked in and aided in the organization of some banks and financial institutions in the early days of Nebraska. He increased his holdings in banking institutions until at the time of his death he was heavily interested in a number of State and National banks in Nebraska.

Judge Hainer was a holder of a large amount of real estate in Nebraska, holding at the time of his death more than 7,000 acres of tillable farm land, more than half of which was irrigated.

In the early days of the development of the dairy business in Nebraska, Judge Hainer took a very active part. He organized and was a large owner in the South Platte Creameries Co., which was a consolidation of a number of creameries, which in 1903 were consolidated with the Fairmont Creamery Co., at which time he became a director and general attorney for the Fairmont Creamery Co. He served in these positions until the time of his death. At the time of his death he was the senior member of the law firm of Hainer, Flansburg & Lee, of Lincoln, Nebr.; was a director of the First National Bank of Lincoln; the National Bank of Commerce, of Lincoln; the Cambridge State Bank; the First Trust Co. of Aurora; the Fairmont Creamery Co.; and a number of other business organizations.

Judge Hainer was very generous, and made gifts to many educational, religious, and other worthy institutions. He was a member of the board of trustees of Doane College, at Crete, Nebr., and was instrumental in raising large sums of money for that great school.

As you know, he was possessed of a forceful and dynamic personality and with great courage and optimism. Judge Hainer was a great believer in law enforcement, even if the law was personally distasteful and, in his judgment, a mistake. He enjoyed the confidence of all his associates and of those who knew him, for they could not fail to recognize his sterling character and high moral plane on which he lived.

I could tell you hundreds of stories about his philanthropies and his experiences.

His right hand of charity was not connected with his left hand of publicity.

In the make-up of this character there was much of rugged oak. Neither lind nor willow found a place. Popularity of men

or doctrine was a small factor in his general estimate. He had much to say of lawmaking, transient or fundamental. But once the law established, there was no argument as to its enforcement. He had studied deeply the laws governing men as well as the material universe, and, clearer than many now see, that modification or repeal is for the deliberate judgment of men; that nonenforcement means chaos.

He saw the sinuous way and bloody path up which suffering and toiling humanity had come. The footing gained and progress achieved must be maintained. That only in the virtue of the home, honesty of the market, uprightness in the court, and patriotism in the forum applied to all that God had made or mankind wrought, must be by rule and not by disobedience.

He was of that diminishing number of elder statesmen who did much for a glory many fear now to be fading fast.

He had faults, but no weaknesses. He had a few peculiarities, but no follies.

Of powerful physique, he had the courage to match. While having the soul of a poet without metric power, his diction was superb and broad. In forum and on platform he was a personality. He never sat at the foot of the table; for, were he to find it, his presence changed it. He had business shrewdness to grasp profitable opportunities, but the profit dollar never became the master of its winner.

He scrupulously took the justly due coin for his industry and foresight, but he withheld not his hand whenever suffering, need, affliction, or merit met his vision. Strong-willed always, but he had the fine American sense of blending his purpose with the majority view after reason and persuasion have spoken.

I was honored when the House granted leave to place this tribute in its RECORD. I am honoring that RECORD by giving through it to the ages this statement of a once able Member—always a worthy man.

In the varied periods and activities of his career he showed his fellow men how to live. As comparative age came upon him he sustained several strokes, but it seemed the strong and resilient fiber of his being was almost miraculously recuperative. So that he labored constantly until a few months before he passed, on March 17, 1929. On his bed of protracted suffering and pain he exhibited a patience and fortitude which showed his friends how to die.

HON. WILLIAM LEDYARD STARK

Mr. Speaker, in the town of Mystic, in Connecticut, on Mystic River, at the farthest reach of the tides, William Ledyard Stark first saw the light on July 29, 1853. His nativity had the surroundings of intensified industry and neighbored with the sea. As a boy he followed intermittently the sea; and throughout life had a tendency for the balanced sailor step.

His parents were of that stock harking back to the *Mayflower*, settled disposition, patriotic, and thrifty. It was a question always as the decades came, would his life be military, marine, grinding industry, or follow the sun across that more than empire between Mystic and the Great Mountains.

In that community as in all the northeast, there was one capital requirement of the young men, whether they departed for fortune or remained for a livelihood. That was an education. So the young man attended the common schools and graduated with credit at the Mystic Institute, near his own home in 1872.

His vision saw prospect in the path of the sun. Wyoming, Ill., was but a resting place. Here he taught school; that first most usual step on the path to statesmanship, so many young Americans have traveled. Study of law at Union College, Chicago, followed, and before the supreme court in the State of Lincoln and Douglas he was admitted to the bar.

Aurora, Nebr., named for Aurora, Ill., was indeed to him the sunrise site of his judicial and political career. Here he came in 1878, and for a brief time was superintendent of city schools; because to him, and the rest of us, the monthly pay check was more reliable than the accidents of early law practice.

On November 4, 1878, he was married at Grand Island, Nebr., to Gertrude Ellsworth, who survives him. Their marriage was a happy one. Two children were born unto them. One, a daughter, Hannah, departed this life in 1901; the other, Dr. Lucien Stark, of Norfolk, Nebr., eminent in his profession, has recently been elected president of the Nebraska State Medical Association.

In the law he soon attracted attention of those in authority and was appointed deputy district attorney. He soon developed a taste for the judiciary rather than aggressive advocacy. He was six terms judge of Hamilton County, Nebr.

While he was on the bench, and the Nebraska National Guard system was in the process of development, he served for a con-

siderable time as judge advocate general with the rank of major. In this was the outcropping of his militant forbears tempered with his acquired judicial bent.

From 1890 to 1900 was a stirring political decade, especially in the West. Years of comparative crop failure and prevailing low prices had inspired a dramatic issue on the production and volume of our money. There were many who enlisted under this banner of free silver, and Judge Stark was one.

So his fellow townsman, Judge Hainer, having ardently espoused the single or gold standards and a high protective tariff, and having won in 1892, when 1894 came around the Populist Party nominated against him, Judge Stark, and Hainer won at the polls.

When 1896 came Populism and Democracy under the leadership of William Jennings Bryan swept the western plains, electing among others Judge Stark over Judge Hainer. Again in 1898 he defeated Hon. E. H. Hinshaw, and in 1900 Hon. John D. Pope, both able lawyers and campaigners. In 1902, despite a great campaign by Judge Stark, he was defeated by Hon. E. H. Hinshaw. He did not again seek office until 1916, when at the bidding of his party he contested the congressional prize against the district's present incumbent. I appreciated the strong ties he had in the district and the many personal friends he had. One, of course, must win, and political fortune granted me favor. But never have I had a more fair and courteous adversary, and I believe and hope that he had no resentment and no deep regrets.

Upon the second day following the election there was laid away all that was mortal of Hon. Silas A. Barton, once Congressman from the fifth Nebraska district, and who died on the eve of election. Judge Stark and I rode and walked together at the funeral, and together bowed our heads during the last rites of our mutual friend. I considered it a high evidence of our political system that it could be, and was so. Our recent political battle had increased our mutual respect and high regard.

While in Congress Judge Stark was painstaking and tireless in that individual service for his constituents, which constitutes a large factor in our labors here. Partisan in matters which should be so, nonpartisan in all else. So that after all industry, courage, capacity, and zeal often stand for more than brilliant qualities, which not backed by these leave our record barren, indeed.

The surviving soldiers of the Civil War were his constant concern, and before, during, and after the Spanish-American conflict Judge Stark was in effective evidence in behalf of those young men who shed a new luster of glory to the American flag on opposite sides of the globe.

He was commissioned a colonel on the governor's staff during the Spanish-American War, and served as the governor's military aide in Washington. He planned and executed the return of the First Nebraska from the Philippine Islands, meeting the regiment in San Francisco upon its return.

His principal House committee during his service was the Military Affairs. He was among those who opposed a large standing army and favored building up in a wholesome way our citizen soldiery. His sentiments on this subject is best reflected in a speech delivered in Congress. I quote briefly therefrom:

In the earlier days of the Republic the laurel wreath of fame was placed upon the brows of brave men who left shops and fields at call of their country, performed their full duty as soldiers, and when peace was declared resumed their places at the anvil or "beat their swords into plowshares" to again become producers or citizens. We are proud of our citizen soldiery. They have never failed us in our hour of need. The volunteer soldier of the United States has risen to every emergency and "acted well his part" whenever called into service.

Judge Stark was of most genial disposition and was of imposing personality. On the platform he was a pleasing and effective orator. In this respect his final effort perhaps eclipsed all others and furnished an appropriate and dramatic closing episode of his career.

He, although in private life during the World War, was active in all ways open to him. This, interested and stimulated by the fact that his surviving son had participated actively in the Spanish-American and World War, made him interested in the American Legion, and ready at its call to render a service for which his ability fitted him.

It was in the glorious Southland, at Tarpon Springs, Fla., where he stood on Armistice Day, four years following the close of that monumental struggle, facing an audience of 10,000 people, he delivered what his friends pronounced the masterpiece of his forensic career. This speech breathed deepest patriotic fervor, with optimistic forecast of our Nation's power,

prestige, and prosperity. What he said was clothed in faultless diction. When seated he received an ovation that would have gratified any man who spoke to his fellow men in harmony with their sentiments.

And then, while the great audience sang a patriotic song, his eyes turned toward the west, whose sunset he did not see. But his new vision saw the dawn of an endless day, where men "know each other better," for the "mists had cleared away."

The Southland had wooed him for his comfort and delight in the State of fruit and flowers. But his remains were not buried there. His known wish to be carried back to the Nebraska which had been transformed from an almost desert to a paradise was honored. There, near the home of his private and public activities, among relatives, friends, and neighbors, was laid the evidence of his mortality. His immortality is evidenced by his deeds and his Christian faith.

HON. MELVIN ORLANDO M'LAUGHLIN

Mr. Speaker, the fifth Congressman from the fourth congressional district was born at Osceola, Iowa, on August 8, 1876. His family were a part of the pioneer life of Iowa and western Kansas. Melvin proved not only an industrious farmer boy but a zealous student in country and high schools and college, directing his education in line with his ambition for the ministry at Union Bible Seminary, Dayton, Ohio, where he received the degree of bachelor of divinity. His later degrees were A. B. at Oskaloosa Christian College; A. M., Omaha University; and D. D. at Leander Clark College.

He was married to Elma Pierson at Bennett, Nebr., August 4, 1897, who with their four children—two daughters, Mrs. I. W. Marshall, Miss Ruth, and two sons, John Hale and Paul Pierson—survive him.

He conducted a successful ministerial career for several years in the church of his choice, the United Brethren at Omaha, after shorter pastorates in rural communities.

There was in his make-up and in his ambition a desire outside of the ministry to lead in educational work, and above that educational work to attain the exalted station that he might serve his country.

So we find him the president of the United Brethren College at York, Nebr., one of the leading sectarian colleges of the State, where the inspiration of his leadership built up a strong faculty and large student attendance and built well this institution.

In 1918, the then Member of Congress from the fourth district retiring, Mr. McLaughlin in a contest among several strong aspirants attained the Republican nomination and was elected for four successive terms.

In the House his industry, zeal, and ability marked him for high station, and during his period of service he was a member of the great Agricultural Committee of the House. He embraced the opportunities of this station and did much to effectively serve his district, which is essentially an agricultural one.

Among his personal achievements in legislation he succeeded in repealing the so-called daylight law, a measure which had become quite repugnant to farmers.

The multiplied and exacting duties of a Congressman were met by him from day to day with punctuality and fidelity, so that a maximum of service was rendered his constituents so far as means and opportunities permitted.

He was a ready debater and frequently took part in discussions on the floor. He was a platform and pulpit orator, whose services were in frequent demand in churches, communities, and conventions, not only in his home district, and State, but in many places in Washington and in eastern localities.

Like many public men, he acquired some enemies, and cemented numerous friendships. His defeat in 1926 was by a narrow margin, and his renomination by his party in 1928 bade fair to reinstate him in Nebraska's fourth congressional seat. He was a man of powerful physique and apparently of good health, but in the midst of his campaign, on June 18, 1928, with little warning, the weak link in his life's chain snapped, and he was no more.

The vast concourse of people who attended his funeral service bespoke the high esteem in which he was held. The lovely floral tributes placed upon his casket were not more fair than the fine tributes paid by several friends, including Rev. T. Porter Bennett and Rev. C. L. Young.

Among the tributes thus bestowed I quote from Rev. C. L. Young the following:

I bring you the assurance that has led strong men in their great adventures, the assurance that has comforted people in their sorrows, the hope that has lighted up the dark shadows of the valley of death, and buoyed up the soul when it passes through the great waters—the assurance of eternal life in Jesus Christ our Lord.



Long years ago that was the declaration of faith subscribed to by Congressman McLAUGHLIN and hope which he has never forsaken, and I have imagined that he often said with the poet—

"Let me but live my life from year to year,  
With forward face and unreluctant soul,  
Not hurrying to, or turning from, the goal.  
Not mourning for the things that disappear in the dim past,  
Nor holding back in fear from what the future veils,  
But with a whole and happy heart that pays its youth and age  
And travels on with cheer.

So let the way wind up the hill, or down,  
Or rough or smooth, the journey will be joy,  
Still seeking what I sought when but a boy—  
New friendship, high adventure, and a crown.  
My heart will keep the courage of the quest  
And hope the road's last turn will be the best."

There is another sense in which the term immortality is used—relating not to the existence of the soul, but to the remembrance of mankind. We speak of the immortal Lincoln, meaning not only that his soul lives on, but that he is held in remembrance in the hearts of his countrymen.

Melvin McLaughlin will live on in the memory of his loved ones—in the memory of his many friends.

His home, the college, the community, the district that he represented and served, all will cherish in the years to come the many virtues and fine qualities that marked his life.

At the zenith of his apparent physical and mental strength, when all seemed going well, in the sanctity of their home, in the presence of his loved ones, death's stroke, from cause unseen, or warning heard, fell and he passed.

With a wink of the eye, and a draught of the breath,  
From the blossom of health to the paleness of death.

The shining mark by death preferred was found. Fine physique, powerful intellect, and stirring ambition mingled in the last shock of dissolution.

His friends, neighbors, and admirers joined with brethren of the orders, members of the church, and relatives to lay in Greenwood Cemetery, near York, his home city, all that was mortal of this able, admired, and beloved man.

#### WATER-RIGHT CHARGES ON IRRIGATION PROJECTS

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

Ordered, That the House be requested to return to the Senate the bill (H. R. 8296) entitled "An act to adjust water-right charges, to grant certain other relief on Federal irrigation projects, and for other purposes."

The SPEAKER. Without objection, the bill will be returned to the Senate.

There was no objection.

#### PENSIONS

The SPEAKER laid before the House the following message from the Senate:

The Clerk read as follows:

Resolved, That the action of the Senate on May 13, 1930, on the bill (S. 476) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes," in disagreeing to the amendment of the House of Representatives thereto, requesting a conference with the House of Representatives on the disagreeing votes thereon, and appointing conferees, be rescinded.

Resolved, That the Senate agrees to the amendment of the House of Representatives to said bill.

Resolved, That the House of Representatives be requested to return said bill and accompanying papers to the Senate.

The SPEAKER. Without objection, the bill and the accompanying papers, will be returned to the Senate.

There was no objection.

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12302) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependents of soldiers and sailors of said war, and that the bill be considered in the House as in Committee of the Whole.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. There is unfinished business before the House. If unanimous consent is granted for the consideration of this omnibus pension bill and it is disposed of in a short time, will the unfinished business then automatically come before the House?

The SPEAKER. The Chair thinks so. The Chair will call that up following the disposition of this bill. The gentleman from Wisconsin asks unanimous consent for the present consideration of the bill H. R. 12302, and that the same may be considered in the House as in Committee of the Whole. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill.

The bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 499. Rebecca L. Guildersleeve.	H. R. 8093. Mary H. Rogers.
H. R. 625. Susannah Patterson.	H. R. 8116. Augusta Clapp.
H. R. 835. Maria C. Bingham.	H. R. 8202. George C. Dyer.
H. R. 1126. America Shoemaker.	H. R. 8207. Frankie N. Griffith.
H. R. 1788. Clellen G. Bigger, alias C. G. Bigger.	H. R. 8213. Samantha Turnbull.
H. R. 1956. Emma K. Zimmerman.	H. R. 8214. Elizabeth Bowman.
H. R. 2049. Charles D. Booth.	H. R. 8334. Joseph G. Allen.
H. R. 2344. Mary Manley.	H. R. 8353. Myrtle Painter.
H. R. 2346. Sarah Copher.	H. R. 8382. Mary E. Rousman.
H. R. 2348. Anna Kistler.	H. R. 8500. Miles Terry.
H. R. 2711. William B. Higgins.	H. R. 8507. William Schmidt alias Wilhelm Schmidt.
H. R. 2889. Emma J. Cruzan.	H. R. 8546. James Stephens.
H. R. 2993. Myrtle Austin.	H. R. 8593. Mary Clark.
H. R. 3379. Jerome C. Frum, alias G. C. Frum.	H. R. 8617. Martha J. Rice.
H. R. 3648. Lucretia Davidson.	H. R. 8667. John W. Kerns.
H. R. 3650. John H. Holtzhouse, alias John H. Houlthouse.	H. R. 8796. Elizabeth J. Sharp.
H. R. 3679. Laura Coulson.	H. R. 8821. Annie Garner.
H. R. 3702. Sarah E. Tillery.	H. R. 8889. Susan M. Mullen.
H. R. 3724. Mary Simmons.	H. R. 8902. Frankie Capps.
H. R. 3738. Emily Spicer.	H. R. 9025. Joanna Gervin.
H. R. 3913. Lewis W. Siler.	H. R. 9134. Estelle Joslin.
H. R. 3987. Margaret Tenpenny.	H. R. 9159. William W. Welker.
H. R. 4116. Sarah J. Weathers.	H. R. 9173. Richard Lee.
H. R. 4276. Caroline Dixon.	H. R. 9261. Jane Harman.
H. R. 4327. Margaret Ralston.	H. R. 9414. Ida A. Fletcher.
H. R. 4560. Sarah Agee.	H. R. 9431. Lucy A. Fowler.
H. R. 4625. Mary J. Coulson.	H. R. 9449. Nancy J. Cox.
H. R. 4631. Robert Long.	H. R. 9522. Goldie D. Jacobs.
H. R. 4645. Annie Reavis.	H. R. 9573. Ethel L. Neal.
H. R. 4831. Peleg Barrett, alias Peley or Peley Barrett.	H. R. 9610. Dora Gibson.
H. R. 4841. Daniel B. Huffman.	H. R. 9617. Mary A. Stolcolp.
H. R. 4843. Mary Barnard.	H. R. 9653. Hulda Holled.
H. R. 4862. Verona E. Mitchell.	H. R. 9661. Effie Barden.
H. R. 4877. John Mund.	H. R. 9745. Rebecca King.
H. R. 4881. Susan S. Mayo.	H. R. 9775. Velzora Brown.
H. R. 5145. Nora Odell.	H. R. 9811. Amanda J. Hancock.
H. R. 5160. Isis B. Woody.	H. R. 9825. Elenor Stephenson.
H. R. 5195. Olive Rinehart.	H. R. 9832. Alwilda Morgan.
H. R. 5199. James L. Hill.	H. R. 9860. Mary L. Pithian.
H. R. 5226. Amy H. Brown.	H. R. 9869. Lettie Edie.
H. R. 5238. Daniel Keith.	H. R. 9928. Susanna Carroll.
H. R. 5446. Mamie Jones.	H. R. 9949. Mary Reynolds.
H. R. 5605. Olive B. Day.	H. R. 9969. Lizzie D. Nelhardt.
H. R. 5610. Nettie P. Emerson.	H. R. 10022. Mary Ann Farnsworth.
H. R. 5739. Mary J. Denning.	H. R. 10029. Kate Denny.
H. R. 5771. Almema Gingham.	H. R. 10051. Etta Tarcott.
H. R. 5775. Nettie E. Beckwith.	H. R. 10056. Mary R. Higgins.
H. R. 5778. Caroline E. Girrel.	H. R. 10083. Anna C. Witts.
H. R. 5900. Minnie Smith.	H. R. 10110. Alberta Lovegrove.
H. R. 5974. Lisette Rosenmiller.	H. R. 10142. Cannie Churchwell.
H. R. 5975. Alberta Gibson.	H. R. 10164. Harry Kirchner.
H. R. 6104. Sarah Crawford.	H. R. 10184. Lydia A. Kurtz.
H. R. 6238. Emma H. King.	H. R. 10193. Margaret E. Crozier.
H. R. 6244. Lillie Owen.	H. R. 10244. Sarah R. Black.
H. R. 6248. Anna E. Taylor.	H. R. 10265. Alexander Gaugh.
H. R. 6274. John M. Rader, alias J. M. Rader.	H. R. 10272. Cordelia P. LaBare.
H. R. 6275. Margaret S. Rader.	H. R. 10386. Frances Roger.
H. R. 6411. Elizabeth E. Bennett.	H. R. 10401. Anna E. Potter.
H. R. 6435. Eli F. Prater, alias Eli F. Prater, alias Eli Prater.	H. R. 10411. Jane C. Dotran.
H. R. 6631. Cella Wheeler.	H. R. 10440. Julia A. Hopper.
H. R. 6675. Adeline Jester.	H. R. 10486. Lydia Robertson.
H. R. 6679. Dora Albright.	H. R. 10516. Emma W. Miller.
H. R. 6887. Icie Phillips.	H. R. 10550. Anna S. Johnson.
H. R. 6899. Lucena Brown.	H. R. 10592. Eliza E. Sydnor.
H. R. 6970. Amy E. Worden.	H. R. 10593. Margaret Woodson.
H. R. 7071. William Fields.	H. R. 10636. William C. Snow.
H. R. 7074. Lena E. Cogan.	H. R. 10637. Hattie E. Smith.
H. R. 7163. Mahessa A. Wells.	H. R. 10681. Eleanor Fleck.
H. R. 7179. Thomas A. Martin.	H. R. 10705. Joseph C. Kelly.
H. R. 7220. Ellen A. Darling.	H. R. 10710. Fatima Fleming.
H. R. 7315. Jennie E. Caster.	H. R. 10723. Lawrence Edwards.
H. R. 7470. Sarah A. Fuller.	H. R. 10725. Charlotte Friend.
H. R. 7476. Frances Wilson.	H. R. 10726. Hulda M. Sharp.
H. R. 7480. Mary R. Hawthorne.	H. R. 10734. Luvina Crawford.
H. R. 7541. Martha J. Foster.	H. R. 10736. Joseph M. Williams, alias J. W. Williams.
H. R. 7593. Eva D. Siver.	H. R. 10748. Mary E. Robinson.
H. R. 7650. Alice E. Daniber.	H. R. 10749. Sarah V. Stokes.
H. R. 7708. Christena Teter.	H. R. 10762. Elizabeth Crawford.
H. R. 7749. Sallie Hewett.	H. R. 10790. Flora Bowman.
H. R. 7788. Elizabeth Wade.	H. R. 10800. Mary A. Gramm.
H. R. 7817. Luther Sines.	H. R. 10801. Emily Williams.
H. R. 7940. Sarah E. Treece.	H. R. 10831. Jesse T. Braddy.
H. R. 7941. Martha White.	H. R. 10836. Sarah B. King.
H. R. 7948. Mary E. Irons.	H. R. 10838. Mary B. Male.
H. R. 8022. Addie M. W. Riggs.	H. R. 10844. Mary E. Goff.
H. R. 8036. Mary E. Spoon.	H. R. 10851. Florence M. Mosier.
H. R. 8038. Katie Rhoads.	H. R. 10853. Angeline Howe.
H. R. 8062. Nora Mattox.	H. R. 10858. Louisa Fist.
	H. R. 10870. Mary S. Bowles.
	H. R. 10908. Elizabeth Bowen.
	H. R. 10909. Sarah E. Reno.
	H. R. 10914. William Newton.
	H. R. 10915. Jessie C. McLane.
	H. R. 10943. Arlenia Wester.
	H. R. 10946. Moses Wilson.

H. R. 10947. Ada E. Milroy.  
H. R. 10955. Clara W. Crandall.  
H. R. 10969. William T. Janson.  
H. R. 10976. Malinda C. Hooten.  
H. R. 10980. Nancy Bailey.  
H. R. 10985. Christina Lawlis.  
H. R. 11001. Lou R. Dearborn.  
H. R. 11029. Nancy Hiley.  
H. R. 11030. Mary J. Wagner.  
H. R. 11032. Susan C. Bott.  
H. R. 11036. Maggie C. Brackett.  
H. R. 11040. Mary V. Patterson.  
H. R. 11042. Dicy M. Snyder.  
H. R. 11044. Guy H. Bisbee.  
H. R. 11071. Emma J. Harrington.  
H. R. 11084. Alma A. Chapman.  
H. R. 11085. Julia A. Newton.  
H. R. 11086. Maggie De Long.  
H. R. 11089. Charlotte R. Davis.  
H. R. 11114. Amanda H. Fairbank.  
H. R. 11125. Henry Innis.  
H. R. 11128. Martha E. Lucas.  
H. R. 11151. Anna Annibal.  
H. R. 11166. Emma J. Snider.  
H. R. 11216. Nancy J. Hulett.  
H. R. 11223. Margaret E. Johnson.  
H. R. 11246. Lucinda Weaver.  
H. R. 11267. Augusta Hayes.  
H. R. 11303. Lucy F. Tillman.  
H. R. 11318. Annie E. Biery.  
H. R. 11324. Esther V. Dick.  
H. R. 11339. John Moore.

H. R. 11382. Sarah E. Henson.  
H. R. 11389. Sarah E. Randall.  
H. R. 11461. Nancy W. Appling.  
H. R. 11466. Louisa Grice.  
H. R. 11491. Marietta McCormick.  
H. R. 11524. Lucinda M. Lindsey.  
H. R. 11540. Cora B. Condon.  
H. R. 11553. Nancy A. Watson.  
H. R. 11561. Matilda A. E. Wilson.  
H. R. 11561. Mary L. Davis.  
H. R. 11598. Josephine Powell.  
H. R. 11648. Lewis J. Barber.  
H. R. 11653. Marshall S. Durham.  
H. R. 11694. Carolyn L. Bacon.  
H. R. 11728. Lydia J. Middleton.  
H. R. 11768. Harriet Carman.  
H. R. 11771. Mary Miller.  
H. R. 11794. Sarah E. Dunbar.  
H. R. 11799. Rosa Ellis.  
H. R. 11815. Ruth M. Forker.  
H. R. 11821. Melissa I. Hauman.  
H. R. 11822. Edith G. Joseph.  
H. R. 11824. Ida M. Stewart.  
H. R. 11831. Mary E. Bryant.  
H. R. 11920. Andrew Newton.  
H. R. 11928. Cornelia J. Lester.  
H. R. 11956. Emma C. Opdyke.  
H. R. 11980. Irene Dingman.  
H. R. 11996. Lillian L. Reynolds.  
H. R. 11997. Catherine Burris.  
H. R. 11998. Mary A. Williams.  
H. R. 12221. Christina Stiehl.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. KNUTSON. Mr. Speaker, I call up the conference report upon the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Minnesota calls up a conference report which the Clerk will report.

The Clerk read the conference report.

The conference report and accompanying statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9323) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows:

On page 22 of the Senate engrossed amendment strike out the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of \$150 per month in lieu of that she is now receiving."

Insert in lieu thereof the following language:

"The name of Tazie Harrison Eberle, widow of Rear Admiral Edward W. Eberle, late of the United States Navy, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving."

And the Senate agree to the same.

HAROLD KNUTSON,  
W. F. KOPP,  
A. H. GASQUE,  
*Managers on the part of the House.*

ARTHUR R. ROBINSON,  
B. K. WHEELER,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House on H. R. 9323 state that the Senate passed the bill, which originally contained 151 items from the House, with an addition of 202 Senate items, making a total of 353 items.

The Senate made 14 amendments to the House bill, which included increases of rates in 5 cases, reduction in rates in 4 cases, and 5 cases stricken from the bill.

The House conferees agreed to these amendments and on one Senate amendment reduced the rate from \$150 to \$50 per month, which the Senate agreed to.

The bill now contains 146 House items and 202 Senate items, as recommended by the conferees.

HAROLD KNUTSON,  
W. F. KOPP,  
A. H. GASQUE,  
*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable commodities in interstate and foreign commerce, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill (S. 108), with the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL.

Mr. ASWELL. Mr. Speaker, I shall be absent next week, and I ask that the gentleman from Kentucky [Mr. KINCHELOE] be appointed in my place.

The SPEAKER. Without objection, the gentleman from Kentucky [Mr. KINCHELOE] will take the place of the gentleman from Louisiana on the conference.

There was no objection.

#### LEAVE TO ADDRESS THE HOUSE

Mr. TARVER. Mr. Speaker, I ask unanimous consent that I be permitted to proceed for five minutes.

The SPEAKER. Is there objection?

Mr. KETCHAM. Will the gentleman not be willing to wait until after we have concluded the unfinished business?

Mr. TARVER. I would like very much to proceed now, if I may.

Mr. KETCHAM. I am very sorry, but under the circumstances I shall have to object until after the unfinished business is disposed of.

#### TO PROMOTE AGRICULTURE

The SPEAKER. The unfinished business before the House is the bill H. R. 2152, to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes. The previous question has been ordered on the bill and amendment to final passage. The amendment has been agreed to. The question is on the engrossment and third reading of the bill.

Mr. SPROUL of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. CRISP. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Georgia moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 43]

Abernethy	De Priest	Kiess	Stedman
Allgood	Dickinson	Kunz	Stevenson
Auf der Heide	Dickstein	Kurtz	Strong, Kans.
Beck	Dominick	Langley	Strong, Pa.
Bell	Doughton	Leach	Sullivan, N. Y.
Black	Doutrich	McFadden	Sullivan, Pa.
Bloom	Doyle	Magrady	Swick
Brand, Ohio	Drane	Mead	Turpin
Brigham	Estep	Mooney	Underhill
Brumm	Fort	Mouser	Underwood
Brunner	Gifford	O'Connell	Vincent, Mich.
Burdick	Goldsborough	O'Connor, N. Y.	Walker
Busby	Graham	Peavey	Welsh, Pa.
Canfield	Hartley	Perkins	White
Carley	Hess	Porter	Wigglesworth
Celler	Hudspeth	Prall	Wolfenden
Chase	Hull, Tenn.	Quayle	Wood
Chindblom	Igoe	Sabath	Wyant
Clarke, N. Y.	James	Shreve	Yates
Cooper, Ohio	Jenkins	Stovich	Yon
Curry	Johnson, Ill.	Somers, N. Y.	Zihlman
Davenport	Kerr	Stafford	

The SPEAKER. Three hundred and forty-one Members are present—a quorum.



Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. DOWELL. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Iowa asks for a division.

The House divided; and there were—ayes 195, noes 75.

Mr. SPROUL of Illinois. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. As many as favor taking the vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-two Members have risen—not a sufficient number.

So the bill was passed.

The SPEAKER. Without objection, a motion to reconsider the vote whereby the bill was passed will be laid on the table.

There was no objection.

#### POLLS ON PROHIBITION

Mr. TARVER. Mr. Speaker, I desire to renew my unanimous-consent request at this time to address the House for five minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker, in connection with the present nation-wide attempt by wet newspapers and magazines to create the impression upon the public that great changes have occurred in public sentiment upon the question of prohibition, it is of interest to know whether or not newspaper and magazine polls being taken in an apparent effort to influence the public mind are being fairly taken, or are mere fraudulent efforts to bring about the desired result. Of all these polls, that of the Literary Digest has attracted greatest attention because so many of our people have the idea that the Digest could not afford to be otherwise than fair.

A recent feature of the Digest poll carries with it such conviction of unconscionable fraud and unfairness that it ought to be printed in the Record and called as forcefully as possible to the attention of the thinking people of the Nation. In its issue of May 3, 1930, the Digest pretended to have polled the clergy of the District of Columbia with the following result: For enforcement, 42; for modification, 38; for repeal, 234.

The Protestant pastors of the District of Columbia were incensed by what they conceive to be a deliberate misstatement of their views, and took steps to conduct a poll of their own among the Protestant ministers, ascertaining not only their views on the prohibition question but whether they had received ballots from the Literary Digest, and if so, how they had voted in the Digest's poll. They found upon interviewing all of the Protestant pastors of the District that 109 of them had received ballots, of which number the following had voted in the way indicated: For enforcement, 87; for modification, 8; for repeal, 0; unknown, 2.

Of all the Protestant ministers, those who had received ballots and those who had not, the sentiment was found to be: For enforcement, 188; for modification, 8; for repeal, 0.

The ministers' poll was taken only of white Protestant ministers. If it should be urged that the ballots the Digest claims to have received from ministers of the District may have been received from Catholic or colored ministers, it is only necessary to point out the fact that it records only 42 for enforcement, when it certainly received 87 from the Protestant white ministers alone out of a total known vote of 95; nor can it be properly presumed that colored preachers and Catholic priests who may have been polled voted solidly against enforcement. The Protestant white ministers of the District have done the cause of prohibition a valuable service by exposing this palpable fraud, which casts its sinister reflection upon the entire alleged results of the Digest poll, and should cause that poll to be estimated by the people in accordance with its real character—a desperate, if ineffective, effort to influence public sentiment against prohibition without regard to honesty, fairness, or the character of the means used toward that end.

I ask unanimous consent, Mr. Speaker, to insert in the Record in connection with my remarks the report contained in the Washington Post of the ministers' poll referred to.

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I shall object unless the gentleman also includes the poll of the colored Protestant ministers. I can not see, when he is trying to convey the personal views of the Protestant ministers, why he wants to exempt the colored people, who are citizens of our Nation and have just as much right to express their opinion as white citizens.

Mr. TARVER. If I had a poll of the colored ministers I would be glad to put it in, because I am confident it would support the prohibition cause. If the gentleman will obtain the information I shall be glad to put it in.

Mr. SCHAFER of Wisconsin. Would it not be just as easy for you to obtain the information of the colored ministers as of the whites?

Mr. TARVER. I will say to the gentleman that I did not obtain the information concerning the white ministers. They put it in the press. If the gentleman would obtain the vote of the colored ministers I would be glad to put that in the Record.

Mr. Speaker, is there objection to my request to insert in the Record the ministers' poll of the District of Columbia, referred to in my previous remarks and as it appeared in the Washington Post?

The SPEAKER. Is there objection to the request of the gentleman from Georgia to insert in the Record the ministers' poll of the District of Columbia?

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, does the gentleman believe that it is a good sound policy to take polls on questions such as the prohibition question?

Mr. TARVER. I think that when a poll is being fraudulently carried on for the purpose of influencing public sentiment, and the ministers of the country are able to demonstrate that that fraud exists, the facts developed by them ought to be called to the attention of the people.

Mr. SCHAFER of Wisconsin. Was it fraudulently carried on in the State of Kansas and the few other States that voted dry in the poll conducted by the Literary Digest?

Mr. TARVER. I have no information as to any State or district of the country except the District of Columbia, and that information I am endeavoring to convey by this means to the people.

Mr. SCHAFER of Wisconsin. The gentleman from Georgia [Mr. TARVER] says that the Protestant ministers took the poll which the gentleman wants to extend in the Record. Will the gentleman assure us that the invisible empire, the Ku-Klux Klan, which discriminates against the colored race, did not have a hand in this poll?

Mr. ASWELL. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded.

Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

Mr. TARVER. I object unless my request is granted.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I withdraw my objection to the request of the gentleman from Georgia [Mr. TARVER].

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

ONE HUNDRED AND NINETY-EIGHT MINISTERS HOLD PRIVATE RUM POLL—PROTESTANT CLERICS DISPLAY ALMOST SOLID FRONT FOR ENFORCEMENT—DIGEST TALLY CRITICIZED

Taking a private prohibition poll to reveal an almost unanimous vote favoring dry law enforcement, 198 Protestant pastors through the Washington Federation of Churches yesterday registered spirited indignation against the Literary Digest's poll as "unfair," a "trick of the wets," "untrue," and "deceptive."

The action was taken at a gathering of the federation to receive from Dr. H. E. Woolever, representing the organization, a report embodying a poll taken among the 198 pastors, 188 of whom advocated enforcement of the national prohibition laws, 8 stood for modification, and the remaining 2 made no expression of sentiment. No vote was cast for repeal.

This private poll, it was announced, will be forwarded at once to President Hoover "that he may be assured of the support of the Protestant clergy in his effort to maintain the eighteenth amendment."

"No canvass was made of the Roman Catholic clergy or any Protestants other than white ministers," the report declared. "The figures give the lie to any statement which would in any wise infer that Protestant clergymen of the District are other than overwhelmingly in favor of prohibition and its enforcement."

The private poll revealed that 109 of the pastors had received the Digest ballot. In this number, 87 filed Digest ballots for enforcement,

8 voted for modification, with no votes recorded for repeal of the dry laws. The federation, in this connection, recalled that the Literary Digest had listed 234 pastors for repeal, 42 for enforcement, and 38 for modification.

"Certain observations arise in the mind of anyone studying a comparison of the Literary Digest report on the poll of Washington pastors and the personal statement of the ministers in 19 denominations," the report continued. In the first place, the Digest questionnaire is unfair in that it does not give a voter opportunity to express his preference between prohibition and return of the liquor traffic. The poll has also lent itself to a trick of the wets to count those who voted for modification with those who voted for repeal when, in all fairness, they belong with prohibitionists.

"The striking fact which completely refutes the Literary Digest report is that not a Protestant pastor among the white clergy of the District was found who had voted for repeal.

"Our tabulation leaves no doubt in our minds as to the untrue and deceptive impression given by the Literary Digest poll. Furthermore, our attention has been called to a layman who received 8 ballots and the number who received 3 seems to be considerable."

*How Protestant clerics voted in prohibition tally*

Denomination	Clergy poll			Digest poll		
	Number	Stand		Received ballot	Voted	
		Enforcement	Modification		Enforcement	Modification
Baptist	28	28		15	15	
Brethren	2	2		2	2	
Congregational	15	14		14	13	1
Disciples	18	18		3	3	
Evangelical	1	1		1	1	
Evangelical Synod	2	1	1	2	1	1
Lutheran	16	11	5	16	11	5
Methodist Episcopal	46	46		12	9	
Methodist Episcopal South	11	11		8	7	
Methodist Protestant	6	6		3	2	
New Church	1	1		1		
Presbyterian, U. S. A.	34	34		20	16	
Presbyterian, U. S.	2	1	1	2	1	1
Protestant Episcopal	8	6	2	4	2	2
Reformed	2	2		2	1	
United Brethren	1	1		1		
United Presbyterian	1	1		1	1	
Unitarian	1	1		1	1	
Universalist	1	1				
Navy chaplains	2	2		1	1	
Total	198	188	8	109	87	8

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from New York [Mr. LAGUARDIA] asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I am sure that no fair-minded man present can brush aside the poll taken by the Literary Digest, on the statement just made by the gentleman from Georgia [Mr. TARVER]. [Applause.]

Town after town, according to the Literary Digest poll, have registered overwhelmingly dry and have been so recorded and so announced. The standing of the Literary Digest in this country and its desire to do that which the Members of Congress have not had the courage to do, and get a real expression of opinion, is indeed a useful and distinct public service. [Applause.]

I challenge the accuracy of the vote or poll submitted by the gentleman from Georgia [Mr. TARVER].

**LEASE OF OIL AND GAS DEPOSITS IN OR UNDER RAILROAD AND OTHER RIGHTS OF WAY**

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8154) providing for the lease of oil and gas deposits in or under railroad and other rights of way, with Senate amendment, and concur in the amendments.

The SPEAKER. The gentleman from Utah asks unanimous consent to take from the Speaker's table House bill 8154, with Senate amendments, and concur in the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 8, strike out all after "Provided," down to and including "individual" in line 4, page 2, and insert:

"That, except as hereinafter authorized, no lease shall be executed hereunder except to the municipality, corporation, firm, association, or individual by whom such right of way was acquired, or to the lawful successor, assignee, or transferee of such municipality, corporation, firm, association, or individual."

Page 2, line 5, strike out all after "SEC. 2," down to and including "individual" in line 8, and insert:

"That the right conferred by this act may, subject to the approval of the Secretary of the Interior, be assigned or sublet by the owner thereof to any corporation, firm, association, or individual."

Page 2, line 9, strike out all after "SEC. 3," down to and including "Interior" in line 2, page 3, and insert:

"That prior to the award of any lease under section 1 of this act the Secretary of the Interior shall notify the owner or lessee of adjoining lands and allow him a reasonable time, to be fixed in the notice given, within which to submit an offer or bid of the amount or percentage of compensatory royalty that such owner will agree to pay for the extraction through wells on his or its adjoining land, of the oil or gas under and from such adjoining right of way, and at the same time afford the holder of the railroad or other right of way a like opportunity within the same time to submit its bid or offer as to the amount or percentage of royalty it will agree to pay, if a lease for the extraction of the oil and gas deposits under the right of way be awarded to the holder of such right of way. In case of competing offers by the said parties in interest, the Secretary shall award the right to extract the oil and gas to the bidder, duly qualified, making the offer in his opinion most advantageous to the United States. In case but one bid or offer is received after notice duly given, he may, in his discretion, award the right to extract the oil and gas to such bidder."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

**ADJOURNMENT OVER**

Mr. TILSON. Mr. Speaker, I ask unanimous consent that in the event the naval appropriation bill is finished to-day that when the House adjourns to-day it adjourn to meet next Monday.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that in the event the naval appropriation bill is finished to-day that when the House adjourns to-day it adjourn to meet next Monday. Is there objection?

Mr. HUDSON. Will the gentleman from Connecticut yield for a question of information?

Mr. TILSON. Yes.

Mr. HUDSON. When does the gentleman from Connecticut propose to consider the Private Calendar?

Mr. TILSON. Next Friday. Permission has already been granted to consider the Private Calendar next Friday, and possibly Saturday also, but certainly Friday.

The SPEAKER. Is there objection?

There was no objection.

**POLLS ON PROHIBITION**

Mr. HARE. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, in view of the statements just made with regard to the prohibition poll by the Literary Digest, I want to state that a few weeks ago I received a letter from one of my constituents to the effect that he had received three ballots from the Literary Digest. He stated in his letter that he received one ballot and returned same, and within about a week or 10 days following he received another ballot and shortly afterwards he received a third ballot, all from the same source, the same kind of ballot, the same name, and to the same address in every respect.

He did not state how he voted, but did state that "if it is the practice of the Digest of sending more than one ballot to one person, it smacks of unfairness." Now, gentlemen, without entering into the merits of this discussion one way or the other, if the Literary Digest is sending two, three, or more ballots to a person or class of persons after knowing how they have voted, this poll will not indicate one thing whatever, except that the Literary Digest will be perpetrating a fraud upon the reading public of this country. [Applause.]

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HARE. I regret that I do not have the time. I simply wanted to call the attention of the House to the fact that here are the two ballots furnished me by my constituent, which speak for themselves and show conclusively what the Literary Digest is doing with respect to this poll.



The SPEAKER. The time of the gentleman from South Carolina has expired.

#### TURPENTINE AND OTHER NAVAL STORES PRODUCTS

Mr. LANKFORD of Georgia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of turpentine and other naval stores products.

The SPEAKER. Without objection, it is so ordered. There was no objection.

Mr. LANKFORD of Georgia. Mr. Speaker, when the Farm Board act was passed last year most, if not all, Members of the House from the pine-timber section believed it broad enough to authorize relief to the producers of turpentine and other naval-stores products. No one fully familiar with the proposition doubts that these products should be included. I believe that the present law is sufficient, but some question has arisen which, perhaps, can be best settled by amending the original act.

The legislature of my State memorialized Congress to pass such an amendment. Mr. LARSEN, of Georgia, and I, upon a conference, decided for him, since he is a member of the House Committee on Agriculture, to introduce in the House a bill for this purpose. Senator GEORGE introduced a similar bill in the Senate and now these bills are before the House Committee on Agriculture for consideration. It has been fully shown that these bills are just and should be passed.

I do not wish to repeat what has already been so fully and completely covered by others. I do want to add only a few new suggestions.

There is one outstanding and controlling reason why the much heralded Farm Board act is about to prove itself to have authorized only a useless, valueless, and probably dangerous though very expensive experiment, and that is because there is not provided an effective control of production. For my part, I would like to see the board function or operate as to a commodity where an effective control of production is set up and maintained. The experiment would be worth while and we could see just what could be accomplished by proper organization and with effective production control.

The turpentine producers, not being so great in number, can effectively organize and can control their production within reasonable limits. If the producer of cotton, tobacco, wheat, or other similar commodity, curtails his acreage in a certain product, he must plant in something else or let his land grow up in weeds and suffer the incident loss. Not so with the producer of turpentine; if he does not "box" or bring into production a given area, the timber continues to grow and become more valuable. It is true that after the "boxes" are cut or the cups hanged and the "chipping" begins it is necessary or best to continue working this timber.

The necessary curtailment of production can be provided by bringing less acres into production each year and by not working the smaller timber until it has attained more ample growth. I feel that this kind of a program will not only conserve the timber but will also make the naval-stores business much more profitable.

If the Farm Board make a success with turpentine, as I believe it could, it would be established that a like success could be made by organization and proper control of production as to other commodities. I would like to see a complete experiment made as to some commodity. I feel that this can be probably done more effectively as to turpentine than as to any other commodity. I have believed all the while that turpentine and other naval-stores products should receive whatever benefit is offered by the Farm Board act.

In fact, in my bill to create the farms' finance corporation I sought to give relief to products of the farm, orchard, grove, dairy, and forest. This bill, introduced first of last year, clearly includes not only turpentine but tar and pitch of wood made by the destructive distillation process, and also probably crossties, lumber, and other timber products.

I do not wish to confuse the present question by now contending that the law should go as far as proposed in my bill, except I will say there are many valid reasons why all pine and cypress timber products should be included.

The present bills only propose to give the relief to the gum or turpentine products of the green or growing pine tree. These turpentine and naval-stores products are extracted from the living or green tree as distinguished from tar, pitch of wood, and pine oil made by the destructive distillation process.

To my mind the production of turpentine and many other timber products, is not only properly classed as one of the activities which should receive the aid of the farm board act, but is so closely interwoven and intermingled with farm operations in the turpentine area as to become a part and parcel of the general farm operations of many who produce other farm com-

modities. Many people make a little money from their cotton, tobacco, corn, watermelons, turpentine, crossties, and other products produced on the land properly called their farm, with each product thus helping in the production of the other.

The timber products have been a wonderful help to the farmers and all others in my section during the last few years. Many find it more profitable to farm the pine trees on an acre of land than to destroy the timber and plant the land in other products. Many fields where corn, cotton, cane, and potatoes grew when I first came to Congress are now in pine timber producing turpentine.

The Farm Board is urging the curtailment of the production of cotton, tobacco, and so forth. The way to secure this is to make the production of other commodities as profitable as possible. More and more the farmers are learning to cultivate, protect, and farm their pine timber. Many of them gather their own turpentine and carry it to a still and sell their spirits of turpentine, rosin, and so forth, just as any other farmer carries his cotton to a gin or grain to a mill or machine to be cleaned or threshed. Many lease their timber for a short period of years, but after all the lease soon expires and the timber, together with a new growth, is again the property of the farmer to be farmed by him or leased again.

Let me repeat, for the purpose of emphasis, what I said in effect a little while ago. One solution of the present farm problem that has been suggested is that the farmers diversify and produce less of the basic commodities the prices of which are now injured by alleged overproduction and turn some of the land that is now being cultivated into the growth of valuable timber. This is being done in the turpentine section of the country by allowing land heretofore cultivated to grow up in pine timber, from which a good revenue can be secured after a few years. It is therefore very essential for all these reasons that the tar and pitch of wood industry not only be maintained but that the turpentine and rosin or naval-stores industry be fostered and protected.

Since we are studying the value of turpentine production, and so forth, from the farmers standpoint, let me also tell you something of the production of tar and pitch of wood as distinguished from turpentine extracted from the growing pine trees.

Tar and pitch of wood is produced by what is known as the destructive distillation process. Under this process wood, stumps, and deadwood generally are purchased from the farmers or other owners, placed in kilns in a pulverized condition and reduced to charcoal. The tar which is recovered is sold in commerce for use in rubber trades, the cordage trades, and otherwise.

It has been found that this pine tar can be used in the manufacture of tires and the reclaiming of rubber generally. For this reason this product has a commercial value not known a few years ago.

It will be seen that unless this industry is fostered much of the material from which this tar and pitch is produced will be destroyed by fire and be a total loss. When once destroyed the pine stumps and dead "heart" pine wood can not be reproduced, as they constitute the otherwise commercially useless waste timber or wood. In other words, after a tract of land has been sawmilled, that which has heretofore been left for destruction by forest fires is, under this distillation process, reclaimed and placed in the channels of commerce.

Stumps are shattered and blown out of the ground by dynamite, and in this way arable land is cleared of the stumps and can be more easily put into cultivation. The woodland is likewise cleared and a reforestation naturally takes place where the old stumps have been replaced by newly harrowed ground. For these reasons the farmer is benefited in several ways by the operation of these pine-wood distillation plants. This land is more easily put into cultivation and the woodland is more easily reforested. The farmer gets pay for his otherwise waste wood, and the community generally is benefited by the employment given to labor in the operation by which the wood is gathered and finally manufactured into a finished product.

Of course, even a greater and more permanent benefit comes to the farmers and the community generally by the farming of growing pine timber. Not only are the farmers and their sons often profitably employed but oftentimes others receive employment "boxing" the trees or hanging cups to catch the gum, "chipping" or working the trees and dipping or gathering the gum. Others are employed protecting the trees from forest fires, hauling the crude gum, distilling it, and in numerous other ways.

The production or extraction of turpentine and other naval-stores products from the living, growing green pine is even more closely interwoven into the very fabric of our farm life

than the destructive distillation process of producing tar, pitch of wood, and so forth. There is practically no end to the production of turpentine from the growing tree. With proper protection against forest fires and an almost inexpensive cultivation or attention the turpentine-producing pine will yield turpentine in paying quantities when from 10 to 15 years old. The tree can be worked for three or four years, and then after a few years' rest it can again be worked for an additional three or four years, and so on without limit. During all this time the timber is growing and becoming more valuable for crosstie, lumber, paper pulp, and all other wood purposes.

The early settlers along the South Atlantic and Gulf coast found the wonderful forest of primeval pine interspersed with the oak, cypress, hickory, and poplar.

The pine at once became his most valuable timber for every purpose. With pine logs he built his substantial home and farm houses, with hewn pine flooring and pine boards he ceiled and covered his buildings, and with pine rails and split lumber he fenced his fields and pastures and built his gates and almost every other necessary wooden farm article.

Pine boards were used in curbing his well, pine sticks in building his stick and clay chimneys; hewn logs furnished his benches and hewn pine beams became his well fork and sweep.

The pine forest was the abode of an abundance of wild game, from which he in a large part furnished his table. The pine tree made the shade for the settlers' cattle, swine, and beasts of burden, furnished the straw for the beds of his livestock, and became an important part of a wonderful compost for the farmers' lands.

The pine tree was found to furnish a wonderful food in the form of pine mast or seed for swine; its turpentine or sap had wonderful medicinal and other valuable properties, and the wood made the brightest, most cheerful, warmest fires ever built to drive winter's cold away or to cook the food of man. From the time man first found the pine tree in America until now the pine tree and its products have been inseparably linked and interwoven into the very warp and woof of the farm life in the pine-belt section of our country. The pine has produced the homes and the farms of a large part of the Southland, and even to-day it is not only as serviceable as ever but almost every month its value is becoming more and more fully recognized and established. Surely where the home and the farm are products of the pine, we can now well afford to determine by statute and as a matter of fact that the product of the pine is a farm product and entitled to receive recognition as such in an act to help the producers of agricultural products.

Where in all the world is there a tree so valuable during its growth, so inexpensive in its cultivation, and so essential for commercial uses and even national-defense purposes as the pine tree of the Southland? Surely all possible protection of the law should go to this wonderful tree which springs up on every abandoned tract of land, in every swamp or lowland section, and on every area not used by the farmer for other purposes, and says in a hundred ways to the faithful farmer and his folks, "I do not require the labor you give to others, and yet you may drink of my very lifeblood in order that you may live and in order that you may produce in greater abundance the food and clothing which the world needs, and in return all I ask is only the right to live."

Farming the pine tree is more and more becoming an integral part of the farm life of a large part of the South. The money made from the timber products enables the farmer to live and cultivate the rest of his farm. In thousands of cases the same boys who plow the farm and gather the harvest of corn, tobacco, and cotton are the ones who farm the pine tree and gather in the magic fluid so much needed in commerce. The pine tree and its products and the field or orchard and their products are more and more becoming inseparable.

The turpentine still is no more a manufacturing plant than is a cotton gin, a threshing machine, or a milk separator. Each separates the raw material into component parts preparatory for marketing. The milk and cream are further manufactured into cheese, casein, and so forth; the grain into flour; the cotton and cottonseed into cloth and various oils, soaps, and so forth; and spirits of turpentine and rosin into dozens of necessary and valuable commercial articles. Turpentine can be classed as a farm product as easily as can any other article produced on a farm, either as a fruit or sap of a tree grown in orchard, grove, or otherwise.

Any fair legislation that will help the naval-stores producers will help every farmer and every man, woman, and child in the turpentine timber belt of the Nation.

I sincerely hope that this bill passes and that the Farm Board be authorized beyond the peradventure of a doubt to render the same assistance to the producers of turpentine and other naval-stores products as is now afforded others.

#### VOLLBEHR COLLECTION OF FIFTEENTH CENTURY BOOKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks on the Vollbehr collection of fifteenth century books.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. COLLINS. Mr. Speaker, distinguished experts on incunabula—librarians, collectors, authors, and bibliophiles—testify unanimously to the great value of the Vollbehr collection and the desirability of the Congress purchasing it for the Congressional Library and depositing it there in honor of Doctor Putnam, in honor of his 30 years' service to Congress and the Nation. I am sure that many more citizens would like to have come here to-day and added their testimony to this we have heard.

The response from all over the country in favor of the purchase of the Vollbehr collection by Congress has been truly inspiring—not a discordant note; not a dissenting vote; each and every person who has written to me approves heartily of the purchase and appeals to the Congress to pass the bill to keep the collection in our Library.

With your permission, I should like to crystallize some of this sentiment and present it to you in the form of excerpts from the letters of many who would like to have been here but were deprived of that privilege.

Dr. George Lang, of the University of Alabama, states:

I sincerely trust that Congress will consent to make the purchase you recommend, as I can conceive of no greater contribution to the scholarly as well as popular needs of our people.

Milton J. Ferguson, State librarian, California State Library, Sacramento:

I feel that as a librarian I really owe you an apology for my delay in writing you of my hearty approval of your actions concerning this very valuable collection of books. It would be a very great pity indeed if for the insignificant sum, nationally speaking, of \$1,500,000, we failed to secure such a valuable addition to our great Library of Congress. Our indifference to this opportunity would indeed be proof conclusive of the sometimes erroneously, I am sure, expressed thought that America cares nothing except for dollars. These books added to the Library of Congress will put our scholars here at home in position to study the literature of the fifteenth century.

A copy of the Gutenberg Bible should, of course, be found in our National Library. Probably the opportunity to secure a copy of it may not come again for many a year, and I venture to say that when it does the price even of an ordinary copy will take up a surprisingly large part of the total sum desired for the purchase of the Vollbehr library. America should have one of the vellum copies, and, of course, there is no other to be had.

The scholars, librarians, and students of our country owe you a very great debt of gratitude for your splendid support of this movement.

Dr. Edward F. Nippert, 414 Union Insurance Building, 1008 West Sixth Street, Los Angeles:

I can justly say that here is an opportunity, probably never to come again if passed by, for our country to obtain the most valuable collection of its kind in existence, and this at a moderate price, to make the Congressional Library of the United States of America the finest and most complete library in the world. While millions are invested in battleships, which of necessity must deteriorate from year to year and eventually become a complete loss to the Nation, this collection, to the contrary, enhances in tremendous value as the years go by. It is the safest, the soundest, investment our Nation can make.

Again Congress must not let this chance pass by and permit this collection go into private hands, thereby losing this rare opportunity to acquire the largest and most famous incunabula collection now in existence.

John B. Kaiser, librarian, Oakland Free Library, Oakland, Calif.:

It is a source of satisfaction to know that the Congress appreciates the value of having this collection in the Library of Congress.

E. O. Rogers, president Montezuma Mountain School for Boys, Los Gatos, Calif.:

I want you to know that I am with you and trust that your efforts will be successful in keeping this wonderful set in the Library of Congress.

Luella Clay Carson, 962 South Hoover Street, Los Angeles, Calif.:

I wish many thousands of these copies of this speech might be read in all parts of our country, to increase pride and confidence in our Nation, and understanding of the purposes and values of the Library of Congress, and the need of collecting for our own Library of Con-



gress all the great books of history and records and examples of achievement among men so far as we have ability and opportunity.

Mr. Orra Eugene Monnette, genealogist, 350 South Oxford Avenue, Los Angeles, Calif.:

I am deeply interested in your proposal to have Congress acquire this wonderful collection of fifteenth century printing, included in which is the Gutenberg Bible, and, as you have pointed out, believe it is an opportunity to obtain for the people of America books representing, as they do, the earliest efforts of culture, thought, and printing, which should be preserved and kept by the United States Government.

Prof. Thomas F. Day, of the San Francisco Theological Seminary, writes:

I warmly approve of your advocacy of so wise a proposal as the one you are suggesting. Never again will so valuable a collection of rare books of this particular kind be obtainable at any price, and the purchase of the Vollbehr collection should commend itself to your colleagues in Congress.

J. F. Sartori, president of the Security First National Bank of Los Angeles, says:

I do not doubt that the collection is an extremely valuable one, which it would be well worth while for our Congressional Library to have.

Paul Elder, a rare-book dealer of San Francisco:

Without question, it is of the utmost importance that the Congressional Library acquire this remarkable collection, which would result so greatly to the advancement of the educational and cultural resources of America.

Dr. Frederick W. Roman, leader of the Parliament of Man, of Los Angeles:

I am speaking each week for about 3,000 people in my forums and I am quite sure that such a purchase would meet the approval of the great majority of thinking men.

J. E. Zahn, of Denver, Colo., states:

I hope—I very much hope—that the Vollbehr library will be purchased. We really need it in this country.

Malcolm G. Wyer, librarian, the public library, Denver, Colo.:

I sincerely hope that some way may be found to secure these books for the Library of Congress. Certainly the Gutenberg Bible on vellum would be an acquisition of greatest importance.

Miss Lavina Stewart, librarian of Connecticut College, New London, writes:

It seems to me everyone interested in books and what they have done must be in entire sympathy with the project to keep this great collection of books that represent the industry when it was in its cradle for our own great National Library. Its dispersion would mean a great loss to scholarship. I earnestly hope the funds may be forthcoming to purchase the whole collection, especially since the price is so reasonable—an unusual opportunity surely.

H. B. Collamore, 95 Pearl Street, Hartford, Conn.:

All the citizens of this country will suffer a great loss if Congress does not provide the means for securing this collection, as there is no doubt but what it will materially increase the value of our Library of Congress and go a long way toward placing it on a par with other great libraries over the world. I am sure that you realize that your position is supported by a great mass of opinion, covering our country in all quarters, although not organized, and therefore not articulate in any adequately representative way. I am glad to add to the record my opinion that the proposed purchase for our Congressional Library is in every way desirable, representing not only an unparalleled economic intellectual opportunity, but also an equally unparalleled economic advantage.

Dr. Andrew Keogh, librarian of Yale University and president of the American Association, wires:

Certainly Gutenberg Bible should be in National Library, and I support passage of your bill if Bible is included.

James T. Babb, of Edward M. Bradley & Co., of New Haven, Conn., states:

I have known about this collection for some time and heartily approve of your efforts to have it acquired by the Library of Congress. \* \* \* I shall strongly urge the support of your bill when it comes up, and sincerely hope that my efforts will contribute slightly toward the acquisition of this marvelous collection.

Edward Julian Nally, of Greenwich, Conn.:

I feel sure that our Government will avail itself of the opportunity thus afforded to add to the already great value and prestige of our National Library, so ably directed and managed by the much-esteemed Doctor Putnam.

Henry W. Farnum, also of New Haven, says:

It seems as if Congress ought to appropriate the money to buy these books \* \* \*.

Fleming James, of the same city.

I am heartily in sympathy with the purchase of the Vollbehr collection of incunabula books for the Library of Congress.

Edward Knox Mitchell, of Hartford:

I quite agree with you the collection ought to be acquired by the Library of Congress. Such collections are not often offered on the market, and it would be a mistake to let this opportunity go by.

Prof. Karl Harrington, of Wesleyan University, Middletown, Conn., states:

It is certainly to be hoped that Congress will agree with you that this collection should be purchased for our wonderful Library of Congress. It will be of great use in future years to classical scholars as well as to investigators in many other lines. I shall be interested to know what progress the bill is making and should be pleased to be of any assistance in contributing toward its passage.

Dr. Charles G. Abbott, Secretary of the Smithsonian Institution, writes:

After reading your highly interesting speech on the Vollbehr collection I wish to second the remarks of Mr. O'Connell, of New York. I hope very much that your efforts to secure this remarkable collection will prevail in the Congress.

Mrs. Grace Davis Litchfield, 2010 Massachusetts Avenue:

Please allow me to congratulate you upon your splendid speech anent Doctor Vollbehr's collection. Surely it can not fail to secure it for the Congressional Library. At any rate, it certainly should do so.

Dr. B. E. Brown, senior biochemist of the Bureau of Chemistry and Soils, Department of Agriculture:

In my opinion, any move to enhance this reputation through notable accessions, such as the Vollbehr collection, is absolutely justifiable. Moreover, any citizen who has an interest in good books and what they stand for in our present-day development will strongly support your efforts to obtain this collection.

Dr. William Franklin Sands, 2084 Hillyer Place NW.:

I quite agree with you that this collection should be purchased for the Library of Congress, that it is a valuable acquisition, and that public money expended for this purpose would be well spent.

Bishop William F. McDowell, of the Methodist Episcopal Church, Washington, D. C.:

I am very sure that we ought to possess this marvelous collection, and if I can be of any assistance in persuading the Library Committee to recommend it, I shall be very happy.

From Wilmington, Del., comes a letter from Christopher L. Ward, a director of the historical society of that State, who says:

I am heartily in favor of the acquisition of the collection in question by the Library of Congress.

From Washington, the Capital City, I present the following:

Maj. Gen. Henry T. Allen, United States Army, retired, who states:

In writing to you expressing the desire that this country possess the extraordinary Vollbehr collection of fifteenth century books, including that most rare Gutenberg vellum Bible, I am obviously uttering the sentiment of every individual of the land who is acquainted with the matter. It would seem that the Congressional Library should be the guardian of this value collection of incunabula, which probably could not be duplicated under any conditions. I wish you success in your most laudable undertaking.

Maj. Gen. M. W. Ireland, the Surgeon General, War Department, Washington, D. C.:

I have followed what has been said in the public press with reference to this collection, and it is hardly necessary for me to say that it belongs in the Congressional Library.

Judge Finis J. Garrett, United States Court of Customs and Patent Appeals, and former Democratic leader in House of Representatives, Washington, D. C.:

I have just read the very able and scholarly address made by you in the House on February 7 relative to the Vollbehr collection of incunabula. May I not congratulate you upon this valuable contribution? It is a thing really worth while.

Dr. Julius Klein, Assistant Secretary of Commerce:

As an officer of a department which is not directly interested in such matters, I can hardly go on record as pleading for the necessary appro-

pration. However, as a humble American citizen anxious that our Library of Congress should not lose these rare treasures, and appreciating how fine a compliment it would be to Herbert Putnam, I can not refrain from dropping you this informal expression of my personal opinion.

Dr. George E. MacLean, former chancellor of the Universities of Iowa and Nebraska, writes:

I sincerely hope you may succeed in persuading Congress to make the purchase. \* \* \* Your tribute to Doctor Putnam and the timeliness of acquiring the collection during his administration will appeal not only to me but to scholars throughout the world.

Dr. Alfred F. D. Schmidt, librarian and director of the division of library science of George Washington University:

I am so thoroughly in favor of the acquisition of this collection for the Library of Congress through the liberality of the Congress of the United States that it is very difficult for me to keep within bounds. The national library should by all means have the outstanding collection in the United States of earliest printed books, not only because of the intrinsic value but also because these represent and constitute in the concrete the earliest stage in the development of the book. They are necessary for the complete understanding of book history.

Dr. Henry G. Statham, librarian of the American University:

I agree with you that these books should remain in the United States and feel that the Library of Congress, which is, in fact if not in name, the national library, is the logical and proper place for them, with a view to their greatest use. I sincerely hope that Congress will make the necessary appropriation that such a fine collection may be purchased.

Charles D. Drayton, attorney and counselor:

I certainly hope you will be successful in putting through the bill for the purchase of this wonderful collection.

Rev. W. L. Darby, executive secretary of the Washington Federation of Churches:

With you I trust that this truly remarkable library will be purchased by Congress. So I wish your proposal the success which it deserves.

Carleton R. Ball, of 3814 Jocelyn Street NW., offers this eloquent contribution:

America is called the land of opportunities, here meaning those she has to offer others. \* \* \* You have offered America an opportunity. May she not neglect it. An opportunity to get so much for so comparatively little. An opportunity to invest with certainty of large and continuing return. An opportunity to purchase something permanent, not to be scrapped as obsolete in a few brief years. An opportunity to be a leader in providing means for the enrichment of our learning. An opportunity to spend wisely for the public good in this and all generations. Surely it will not fail of fruition, this worthy effort of yours.

T. W. Graves, F. R. G. S., of Orlando, Fla., states:

As a book lover and a collector only in a small way it is astounding to me to think that Congress should debate any length of time as to the advisability of such a purchase. The Gutenberg Bible will, in a short time, be worth the entire amount asked for the collection. I sincerely hope Congress will take the necessary steps as soon as possible to acquire the greatest bargain of the century. I feel confident the collection would have found a ready market in Europe at a far greater price than that offered to the United States but for the financial condition that now exists in countries abroad that really appreciate such as is offered to us.

Theodore C. Pease, assistant director of the Illinois Historical Survey of the University of Illinois, Urbana:

This proposal certainly is a most worthy one.

Dr. Theodore Wesley Koch, librarian of the Northwestern University Library at Evanston:

I have read a number of accounts of the Vollbehr question, but I think that you have given the best line of arguments for its acquisition by the Government for our Library of Congress. As a former chief of division of our National Library, I am, needless to say, very anxious to see your efforts meet with success. It would be a most splendid tribute to the outstanding services rendered to the Library of Congress and to librarianship itself of Doctor Putnam.

Prof. G. N. Nathrop, of the Chicago Latin School:

I hope that your project can be realized and that the Library of Congress can become the richer by this great opportunity. I can think of no more fitting memorial for the constructive work which has been done there by the present librarian.

Dr. Bernadotte Schmitt, professor of history in the University of Chicago:

Your effort to secure the Vollbehr collection of incunabula is worthy of praise and support, and I hope that you will be successful in securing the necessary appropriation.

Dr. W. A. Newman Dorland, 185 North Wabash Avenue, Chicago, Ill.:

By all means the Library of Congress should have the Vollbehr collection of fifteenth century books. Don't let such a great opportunity pass. Here's wishing you every success.

J. C. Bay, librarian the John Crerar Library, 86 East Randolph Street, Chicago:

I take the liberty of emphasizing that the work of the Library of Congress is of so high quality that this Library certainly deserves to be benefited by the acquisition of this great collection. A great deal of the work of the Library of Congress, by virtue of its character, escapes public attention, but benefits directly or indirectly all the libraries in the country. If we ourselves would recognize this work as it deserves, we should support it adequately in every respect. The history of its administration is exemplified by exceptional administrative success. The collections themselves ought to correspond fully to the bibliographical and administrative ability exemplified in the Library.

F. C. Grant, dean Western Theological Seminary, Evanston, Ill.:

I hope very much that the Library of Congress may acquire this valuable collection of incunabula.

John W. Barwell, Sheridan and Beach Roads, Waukegan, Ill.:

I take pleasure in supporting you in any steps you may take in obtaining the Vollbehr collection of most valuable and rapidly vanishing books for our National Library. If you have some handy printed matter on this subject, kindly send me some for distribution.

The way we are living now, its rapidity and growing disregard of the valuable past lessons, will soon efface many of them from our national mind.

At this critical time we should remember the disastrous destruction of the priceless Alexandrian Library, which left a blank in humanity's records of its own growth and development more than can ever be replaced.

We are the richest Nation on earth; for heaven's sake let us be the finest.

Shelley B. Neltner, attorney at law, of 112 West Adams Street:

I sincerely hope that the Vollbehr collection will be acquired forthwith. It, in my humble opinion, will be one of the greatest things done in Congress at any time. It would be a horrible thing to have these books leave this country.

Dr. Charles S. Bacon, of 2333 Cleveland Avenue, appreciates—  
\* \* \* the value of the collection and the importance of securing it for our Congressional Library.

Charles D. Terry, president of the Peoples State Savings Bank, of Kewanee, Ill., in describing his "little library, one item of which consist of a leaf from a Gutenberg Bible," says:

I hope sincerely that your bill will pass, and believe that future years will emphasize the wisdom of your desire.

Prof. A. Francis Trams, head of the department of English, Joliet Township High School and Junior College:

I sincerely hope we may be able to retain the collection in the Library of Congress. I see no reason why we should not keep it.

Frank H. Whitmore, librarian of the Public Library of East Chicago, Ind., writes:

The purchase of the library would, indeed, constitute a fine tribute to Doctor Putnam and one that his colleagues would like to see come to pass. It is most agreeable in this twentieth century time to find the flavor of earlier days restored so completely in printed words, and heartening to find so stalwart a champion of the library cause. You may be sure that your efforts will be highly valued by librarians and friends of books.

President W. C. Dennis, of Earlham College, at Richmond, Ind., says:

I am fully in accord with your desire to have this collection acquired by the Library of Congress, and hope that it may be possible to bring this about.

Wilma E. Reeve, circulation department, Indianapolis Public Library, Indianapolis, Ind.:

Surely it will be worth to posterity a fraction of the price of a modern battleship.

T. Henry Foster, of John Morrell & Co., Ottumwa, Iowa, who says:

The Vollbehr collection of fifteenth century books certainly ought to be in the Congressional Library, as it contains what you rightly refer to as the greatest book on earth.



T. M. Shallenberger, of Des Moines, who, in approving the purchase, states that—

In 10 years from now the Gutenberg Bible alone will be worth more than every battleship now afloat.

The State of Kansas has already been represented in the statement of President Lindley, of the University of Kansas (see my remarks on the bill), but I also beg to quote from a letter of Dr. H. C. Thurnau, chairman of the department of German of the university, who says:

Wish to express to you my sincere appreciation of your praiseworthy efforts to secure this valuable collection for the Library of Congress.

R. C. Ballard Thurston, president of the Filson Club, of Louisville, Ky., says:

Our country certainly should have it, and I hope sincerely that your efforts will prove successful.

S. O. Landry, president of the Chambers Advertising Agency, of New Orleans, states:

I congratulate you on your efforts to buy this great collection for the Library, and I certainly hope that Congress votes an appropriation.

Dr. William R. Strange, 1119 Union Indemnity Building, New Orleans:

It would be a truly great loss to the Nation's Capital, but more important still, an irreparable one to the country as a whole should we not avail ourselves of this opportunity to purchase this collection. The Gutenberg Bible alone is valued at two-thirds the cost of the entire collection.

Robert J. Usher, librarian of the Howard Memorial Library, New Orleans, adds his testimony to those in favor of the purchase of the Vollbehr collection, as does G. P. Whittington, attorney of Alexandria, La., who states:

I thoroughly agree with you that this collection of books should stay in the United States. The only trouble is to convince the average business man that books have such a value. There would be no trouble to convince me, for I am one of the kind who buys books, old books and, if you would, rare books. I never have bought fifteenth century books. I never could afford it, but I have bought Louisiana, Mississippi History, and I know that they run into money. I have examined catalogues of fifteenth century books, and I know that the prices run into money right now. If I could be of any assistance in helping to influence anyone to vote for your bill, I would gladly do so. If there is anyone that you could suggest that I might write to, it will only afford me a pleasure.

Victor G. Bloede, of Carroll Station, Baltimore:

Together with the previous knowledge I had on the subject, I read your speech with great interest, and do not see how there can be any doubt in the mind of any intelligent American as to the desirability of the United States Government purchasing this collection at whatever price within reason at which they can be secured. From the knowledge I have on the subject, I should say that the asking price was a reasonable one.

E. L. Bangs, custodian, Halethorpe Transportation Museum, Baltimore:

I sincerely hope that the bill to purchase this collection will pass, and the books come into possession of the Congressional Library, which, in time, will undoubtedly become the greatest library on earth.

Miss Elizabeth S. Thies, chief cataloguer and classifier, of the Welch Medical Library, of Johns Hopkins University:

It would be wonderful to be able to add this collection to the Library of Congress.

Dr. Henry Barton Jacobs, Mount Vernon Place, Baltimore:

I am very much gratified to learn that there is at least one Representative in Congress who has such a keen appreciation of the value of literature, especially of early literature, as you have shown by your address, and I hope sincerely that the appropriation which is desired may be granted for the purchase of this unique and most desirable collection for our great library.

Lewis McK. Turner, poet and author, proprietor of the Salt House Press, Baltimore, is in favor of the purchase, and states that he has several leaves of the Pulpit Bible printed in Basel, 1486.

W. R. Ballard, extension horticulturist of the University of Maryland:

I trust that Congress will take favorable action in this matter.

Raymond L. Walkley, librarian of Tufts College Library, Massachusetts, says:

\* \* \* will be glad to do anything to help you put through a bill to have this collection acquired by the Library of Congress.

Archibald V. Galbraith, principal of Williston Academy at Easthampton, Mass.:

I am heartily in favor of the action which you propose. It seems to me a great opportunity to acquire for the people of this country books which are priceless.

Frank S. Hatch, of 101 Benedict Terrace, Longmeadow:

I feel very strongly that this Vollbehr collection should be acquired by the Library of Congress, and I hope that Congress will appropriate the money to buy it.

T. H. Hankins, of the department of economics and sociology, of Smith College:

Your speech calls attention most convincingly to a very unusual opportunity for the United States Government to come into possession of a priceless collection of books. I sincerely hope your object may be achieved.

Dr. Harvey Cushing, surgeon in chief of the Peter Bent Brigham Hospital, and internationally known lecturer on surgery at the Harvard Medical School, writes heartily favoring the purchase, as does Frank N. Chase, assistant librarian of the public library of the city of Boston.

Arthur I. Andrews, of 19A Forest Street, Cambridge, states:

Politically, the idea may not be popular, but from every standpoint of common sense the acquisition should be consummated. It is precisely what is needed to keep Americans at home instead of forcing them to visit all over Europe in order to get material for research. I most heartily second your efforts, and I hope they will be successful.

William Dana Orcutt, of Boston, well-known author and expert on incunabula:

I am personally familiar with the collection and have no hesitation in stating that the price at which it can be bought is a reasonable one. As far as the importance of the collection is concerned I think you need no further testimony.

I have for 30 years been in the closest touch with private and public collections of books in America and Europe. It has always been a matter not only of regret but of mortification to find that our own Library of Congress continues to be so far behind other national literary institutions. The acquisition of the Vollbehr collection would place the Library of Congress on a rank with these other great national institutions. It would attract to Washington students who at present have no proper facilities to study the history of the book, and it would be an act which would redound to the credit of every Member of Congress who voted for it.

Dr. Allan Winter Rowe, director of research of the Evans Memorial, Boston:

As I have reviewed the matter as given in your presentation of it to the House of Representatives it seems to me not only a very unusual opportunity in itself but one of which as a citizen of the United States I felt this country should take advantage. I thank you for bringing this matter to my attention. I hope that I may be of some assistance to you in carrying out a project in which I am so wholly in sympathy.

Carl T. Keller, 80 Federal Street, Boston:

I know of the Vollbehr collection, and I would be delighted to see it remain in the United States. It would seem to me like the arrival of the millennium if such a purely cultural proposition would appeal to the Congress. You have my approval and sympathies.

Prof. Richard Ashley Rice, of the English department, Smith College:

Allow me to lend my whole-hearted support to your speech on the acquisition of the Vollbehr collection. Such an opportunity to enrich the Library, to promote the scholarship of the country, and to honor Mr. Putnam can in the nature of things not recur. One feels certain that Congress will perceive this.

L. S. Foote, editor of the Saginaw Valley Farmer, of Michigan, who states:

For many years I have noted the steadily increasing sales values of incunabulas and later rare first and scarce editions of standard authors. Opportunities for great buys in this line should not be passed by, and valuable collections, isolated copies, etc., should be added to our National Library by gift or purchase.

Fred A. Perine, 1532 West Philadelphia Avenue, Detroit:

I had an opportunity to read carefully your speech of the 7th ultimo; and wish to say that I, too, feel keenly that the Vollbehr collection of fifteenth century books should be acquired for the Library of Congress on the basis offered.

Dr. Charles W. Alden, of 507 Genesee Avenue, Saginaw:

I wish to say that I am in thorough accord with your speech delivered to the House of Representatives Friday, February 7, 1930. To the book lover, historically and sentimentally, the books are priceless. I deem it a great privilege to be enabled to indorse every word that you have said on the subject.

Dr. Randolph G. Adams, well-known historian and custodian of the William M. Clements Library, of the University of Michigan:

I thoroughly indorse everything Representative Collins said, and, if the bill comes up for consideration, I am sure I only echo the opinion of all American scholars in expressing the hope that the two Houses will give this bill favorable treatment. The thing to be remembered is that they are not printing any more incunabula—and America is still way behind the nations of the Old World.

Mrs. Amos L. Warner, regent of the John Prescott Chapter, Daughters of American Revolution, of Minneapolis, Minn., says:

The subject treated is of the greatest importance and I feel very deeply that the Congress should not allow anything to stand in the way of the purchase of this notable collection. The thought of this splendidly preserved Gutenberg Bible being in the Library of Congress for the use and pleasure of our people in years to come is one which thrills the blood and makes a vivid appeal both to sentiment and imagination.

Frank K. Walter, librarian of the University Library of the University of Minnesota:

There can be no question of the desirability of having these books available for the use of scholars. The Library of Congress seems the logical place for them.

Ruth Vandyke, librarian, Coleraine Public Library, Coleraine, Minn.:

After reading it, we must say that we agree with your ideas and trust that the way will be made possible for keeping the valuable collection in the United States.

Ben Gray Lumpkin, with the Southern Bell Telephone Co., of Jackson, Miss.:

Even though my present work with the Southern Bell Telephone Co. is in no way connected with history and historical research, I fully realize the significance of keeping this wonderful collection in the United States, especially since I worked in the University of Mississippi Library two years and for the Mississippi Historical Department three years.

President Richard G. Cox, Gulf Park, Gulfport, Miss.:

Trust that you will succeed in having this collection acquired by the Library of Congress.

I quote from the following letters:

Joseph W. Bray, 903 Security Building, St. Louis:

It is to be hoped that Congress will act favorably on the bill, for unless this country acquire, whenever opportunity arises, every piece of very rare material, we may never hope to equal, or even rival, the other great libraries, such as Bodleian, British Museum, Bibliotheque Nationale, etc.

Meyric R. Rogers, director of the City Art Museum of St. Louis:

I am very glad to be able to say that I hope Congress will see its way to acquiring this collection, for I am sure it would be a constructive act which would be of great benefit to the advancement of scholarship in this country. I am sure that every intelligent citizen will applaud your action in endeavoring to make this an addition to the national treasury.

Purd B. Wright, librarian of the Kansas City Public Library:

Naturally, we would be glad to see them here, but they really belong in the National Library.

H. O. Severance, librarian of the University of Missouri Library:

I very much hope that the Library of Congress will be able to secure this valuable collection.

Dr. Charles D. Humbert, of Barnard, Mo.:

Only a true bibliophile and disciple of Bibdin knows the panicky feeling of having a coveted volume, that can not be duplicated, go away into parts unknown. I sincerely trust that the Library of Congress and the United States of America will be spared that feeling, while the time is ripe for the acquisition of the Vollbehr collection. As a collector, and as a student who has spent many happy months among the treasures of the Library of Congress and the library of the Surgeon General's office, may I say that it would be more than ordinarily gratifying to me to see Doctor Vollbehr's incunabula installed en bloc, in our national library.

William Volker, of William Volker & Co., Main, Second, and Third Streets, Kansas City, Mo.:

I sincerely hope this collection will be acquired by the Congressional Library.

William W. Shirley, librarian of Hamilton Smith Library, University of New Hampshire:

Thus by acquiring the incunabula for which you have spoken, and by allowing libraries to choose from literature as published this country will advance in the field of library work even farther than before.

H. von W. Schulte, dean, the Creighton University, School of Medicine, Omaha, Nebr.:

The purchase of this collection will add to the importance of the Library of Congress, will be a just source of national pride and even more importantly will be an aid and encouragement to American scholarship and a stimulus to the development of typography and other arts and crafts.

I received a fine letter from George H. Sargent, Warner, N. H., well-known author and newspaper writer, besides writing an article for the Boston Transcript, he sends the following statement:

I have for many years conducted a department in the Boston Transcript devoted to old and rare books, and from time to time commented on the desirability of securing this collection. I inclose the latest item, and am only sorry that I could not have added my own contribution to the many of those of my friends quoted in your fine speech.

William W. Shirley, librarian of the Hamilton-Smith Library, University of New Hampshire, at Durham, writes a very strong letter favoring the project to purchase the Vollbehr collection.

B. George Ulizio, president of the New Jersey Investment Realty Corporation, Atlantic City:

I am very well acquainted with the Vollbehr collection and feel that it is one of the most outstanding collections of its kind in the world. \* \* \* I compliment you upon your interest in the collection in question, and I shall be very glad to assist in any way that you might suggest, so that we, the people of the United States, might possess this wonderful collection for all time.

Angus S. Macdonald, president Snead & Co., manufacturers of library bookstacks and other library equipment, writes a very strong indorsement of the bill and is anxious to give a very substantial support to it.

R. W. Cornelison, president and general manager Peerless Color Co., 521 North Avenue, Plainfield, N. J., writes approvingly of the bill.

Charles Frankenger, librarian, and William Brodiere, directing librarian emeritus of the Medical Society of the County of Kings, Brooklyn, N. Y., state:

The Congressional Library should be one of the glories of the country. The Vollbehr collection and its incunabula will give it power and standing at a point needed.

George J. Pfeiffer, of the National Arts Club, makes the following statement:

I have spent much time, like numberless others, in examining these splendid specimens of early printing when they were exhibited at the National Arts Club in this city some time ago.

This collection, made with such admirable skill by Doctor Vollbehr, would be an acquisition of inestimable value for all persons interested in the great range of subjects which it covers in religion, philosophy, classical, and Renaissance history, literature, and art, and the opportunity to acquire these treasures for the cultural and practical benefit of our people, under the extraordinarily generous terms of the offer, will certainly, with the scarcity and value of such books growing by leaps and bounds, never come to us again. Its three-volume Gutenberg vellum Bible alone will soon be worth more than the present purchase price of the entire collection. I am only expressing my own views on this subject as a student and practical business man to lend such support as I can toward the success of so important a cause.

Dr. Edwin R. A. Seligman, of the faculty of political science, Columbia University, says:

I certainly hope that you may succeed in your laudable efforts to have the library purchased by Congress.

Howard L. Spohn, vice president of the Gardner Advertising Co., No. 1 Pershing Square, New York, says:

I am most heartily in support of the contention in your speech of February 7 that it is time for the United States Government to broaden its Library to the absolute limit. I am certainly in agreement that this will be the last opportunity, perhaps, in the lives of several generations for the Government to acquire a Gutenberg Bible. It will please me to have you advise me just what may be done to further this important work, so do not hesitate to point out anything that I may do.

Henry Goldmark, Rossiter House, Nyack, N. Y.:

I sincerely hope that Congress will appropriate the necessary funds for purchasing this collection.

Dr. B. W. Weinberger, librarian of the First District Dental Society of New York State, makes the following statement:



Trust that your efforts to place this collection in the Library of Congress will be successful. \* \* \* A collection once broken up can never be duplicated, even if the money were available. As librarian of the largest dental library in the United States, I might speak for the dental profession when I say that I am sure you have their full support, and trust that Congress will see fit to appropriate the money necessary for purchase.

Charles A. Beard, of 27 West Sixty-seventh Street, New York, the famous author, says:

I had already read it [speech on Vollbehr collection] and called Mrs. Beard's attention to it as one of the most interesting and important addresses that has appeared in the RECORD. I sincerely hope that you are successful in your effort.

E. Eisele, of B. Westermann Co. (Inc.), booksellers and publishers, 13 West Forty-sixth Street, New York City:

It certainly would be desirable that this collection should be kept in this country, as it is unique in the world. Through its purchase the Library of Congress would get into the front rank of those great institutions of the world, which are keepers of the rare treasures of the beginning of printing.

Reginald Pelham Bolton, 116 East Nineteenth Street, New York, a member of the New York Historical Society, says:

I desire to convey to you my appreciation of your interest in this matter and the hope that you will be successful in inducing Congress to secure these invaluable volumes for the Nation, which I have had the privilege of examining.

Walter S. Davis, 1150 Fifth Avenue, New York, states:

I share your desire to have the collection acquired by the Library of Congress, and I hope your bill will be passed.

Dr. Theodor Blum, of 101 East Seventy-ninth Street, New York, says:

I wish to congratulate you and also express my hopes that the collection will be acquired by the Library of Congress.

Miss Ethel M. Barber, librarian of the United States veterans' hospital, Northport, Long Island, N. Y., states:

My assistant has read it [speech] also and we both feel that the books should remain in the United States.

Augustus H. Shearer, Ph. D., librarian, the Grosvenor Library, Buffalo, N. Y.:

It seems like a good use of money.

Glenn W. Herrick, professor of entomology, Cornell University, Ithaca, N. Y.:

It seems to me an almost national disgrace to let this wonderful collection go back to Europe, especially when we consider the great financial resources of this country and the great cultural need for such objects of art as these incunabula.

Emanuel de Maruay Baruch, of 57 East Seventy-seventh Street, New York, says:

Undoubtedly the acquisition of this unique library would prove a great and lasting public service. The collection of Doctor Vollbehr is practically unrivaled, and the opportunity of acquiring it for the people should not be lost.

T. S. Williams, of Huntington, Long Island, says:

I have read your speech with the greatest interest, and heartily agree with you that this collection should be in the Library of Congress.

C. E. Durkee, 505 Broadway, Saratoga Springs, N. Y., says:

I fully agree with you that the collection should be acquired for the Library of Congress, and I sincerely hope this result may be brought about.

Dr. Lawrason Brown, 24 Church Street, Saranac Lake, N. Y.:

I am heartily in favor of keeping the Vollbehr collection of incunabula in the United States.

Hon. Elihu Root writes:

I am obliged to you for sending me your admirable speech concerning the Vollbehr collection of fifteenth century books. I strongly hope that this may be obtained for the Library of Congress. The possession of such a collection would give distinction to any library, and our great National Library ought not be treated as a second-class institution.

Albert Pulvermacher, dramatic editor of the New Yorker Staats Zeitung:

I shall be delighted if you succeed in securing it for the Congressional Library, for our country and its research workers.

Donald B. Gilchrist, librarian University of Rochester Library, Rochester, N. Y.:

I heartily wish you success in your advocacy of this measure. Under Doctor Putnam's administration, the Library of Congress has come to have a very great significance in the scholarly world here and abroad.

Charles C. Adams, director of the New York State Museum, Albany, N. Y.:

I hope that this will also be the means for increasing the appropriations for the Library, and I think there should be a fund available for such emergencies. You have my hearty indorsement in such good work.

J. P. Breedlove, librarian Duke University Library, Durham, N. C.:

I am glad to know that you are interested in such a worthy undertaking.

A. T. Allen, State superintendent public instruction, Raleigh:

It seems to me that it would be very appropriate and proper for the Congress of the United States to make provision to obtain this collection for the Congressional Library.

Miss Emma C. Barney, Worth Elliott Carnegie Library, Hickory:

In what way do I express my hearty approval of the acquiring of this collection by the Library of Congress, for I do approve of our buying this collection.

Prof. R. D. W. Connor, teacher of history, University of North Carolina:

I hope very much that Congress will see its way clear to appropriate the money for this collection. Its acquisition will certainly be a great boon to American scholarship.

Lewis F. Crawford, Bismarck, N. Dak.:

I am heartily in favor of making the appropriation for the purchase of the collection, and hope Congress will see its way to do so.

William H. Carlson, librarian of the University of North Dakota:

It is gratifying to know that we have in Congress men who thoroughly appreciate the importance from a cultural standpoint, of the acquisition of books of this kind for our National Library.

W. B. Bizzell, president the University of Oklahoma, Norman, Okla.:

Personally I would be very happy to see this collection come into the possession of the Library of Congress. Certainly the Library of Congress should possess a copy of the Gutenberg Bible. Some time ago I visited the Bible collection in the Library of Congress, and it was disappointing that they have no copy of the Gutenberg Bible. As you suggest, this is the most priceless book in print. I have traveled thousands of miles in this country and in Europe to see original copies of this priceless book, and I would be happy if our Library of Congress could possess one.

E. W. Chubb, dean of the College of Liberal Arts, Ohio University:

I hope Congress will appropriate money for the acquiring of this wonderful collection.

Rev. Charles C. Bubb, D. D., secretary of the standing committee of the diocese of Ohio, Fremont:

\* \* \* agree that this collection should be acquired by this country. This is an opportunity that will never occur again, and if not taken will be regretted in a few years. I hope that your influence will prevail to secure an appropriation. I have watched the rise in price of incunabula during the past 25 years, until now they are beyond the reach of the ordinary private collector—the larger and wealthier libraries are draining the market and very soon there will be none at any price.

Gordon W. Thayer, librarian of the John G. White collection of the Cleveland Public Library:

It is earnestly to be hoped that your enlightened labors will meet the success they deserve.

Harold N. Cole, M. D., 1352 Hanna Building, Cleveland:

I can not too heartily indorse this movement of yours to possess these books. The time is coming, and that very soon, when it will be impossible to procure such books at any price. I wish you all success in your effort.

Thomas E. French, department of engineering drawing, Ohio State University, Columbus:

I am familiar with the incunabula in the British Museum, Bibliotheque Nationale, and other European libraries. Our own National Library ought to equal the foreign libraries and it is hard to imagine any opposition in this wonderful opportunity to add the Vollbehr collection.

J. H. SHERA, bibliographer, Miami University, Oxford, Ohio:

I am quite certain that I voice the sentiments of the library profession and the learned world in my expression of the hope that the cause which you have so ably championed will receive the consideration and the success that it so justly deserves.

Blanche V. Watts, librarian Cleveland College of Western Reserve University:

\* \* \* sincerely hope that you may be successful in securing passage of the bill which will secure this most unusual collection for our National Library.

Wendell Herbruck, attorney at law, of Canton, Ohio, a collector of incunabula, writes:

I hope Congress will not be shortsighted and lose this opportunity that can never come again.

Dr. W. H. McMaster, president of the Mount Union College, Alliance, Ohio:

I hope these treasures may be acquired by the Congressional Library and be accessible to the American people.

Judge Alfred K. Nippert, of Cincinnati:

There were many points in your address of unusual interest and little known to most Americans. It is an historical document and I shall cherish it among my valued possessions in my own library. I am sure the speech had the desired effect, and I hope this great country of ours will not overlook this unusual opportunity to secure for its Congressional Library and for generations yet unborn the benefit of this great collection of incunabula.

Howard S. Leach, librarian of the Lehigh University Library, of Bethlehem, Pa.:

The Library of Congress has been growing conspicuously as a great library in recent years, and its very size and importance will attract to it increasing gifts of important American materials, such as documents, letters, and books. Where it falls down, it seems to me, in comparison with great national libraries, such as the British Museum and the Bibliotheque Nationale, is quite naturally in the richness of its early books and manuscripts. The acquisition of the Vollbehr collection would do much to correct this deficiency. I hope that Congress may be led by your address to pass this bill providing for the addition of this important collection to our great central library.

Dr. Natt M. Emery, vice president Lehigh University, Bethlehem, writes a hearty indorsement of the project to purchase the Vollbehr collection.

Charles L. Miller, attorney at law, of Lancaster, Pa.:

It seems to me almost inconceivable that the Congress should fail to take advantage of this unusual offer. Though not a collector of the earliest printed books, I am always interested in them in the catalogues, and my recent observation could add a good many illustrations to the Maggs Bros. catalogue that you refer to. I certainly hope that there will be sufficient book lovers in the Congress to appropriate this relatively small sum to preserve to this country an almost invaluable collection.

A. Bruce Black, of Bloomsburg, Pa.:

The Library of Congress is the place where this collection should be.

Frank G. Lewis, librarian Bucknell Library of the Crozer Theological Seminary, Chester, Pa.:

It seems only the simplest step of appropriate action for Congress to provide for acquiring these books. This note I am sending thinking that if it may assist in that direction I shall be glad to have you use accordingly in any possible way.

Dr. Weir C. Ketler, president Grove City College, Pennsylvania:

I read it (speech) with a great deal of interest and hope you may be successful in your effort to secure for this country this unusual collection.

Mrs. Anne W. Howland, librarian of the Drexel Institute, comments very favorably on the bill and says:

We take great pride in our Library of Congress and in that most distinguished librarian, Dr. Herbert Putnam.

Richard Gimbel, founder and patron of the Richard Gimbel Library of Philadelphia, writes as follows:

I feel sure that the collection should certainly be purchased for the Congressional Library; because not only is the collection unique, but also its value to scholars for countless generations is enormous.

When priceless articles are offered a private collector, he only refuses them when the price is beyond his ability to pay for same, and in just this same manner I feel certain that inasmuch as Doctor Vollbehr asks such a low price, certainly this rich country should not fail to take advantage of this unparalleled opportunity.

Franklin Bache, Land Title Building, Philadelphia, writes a letter of indorsement.

J. T. A. Hosbach, 817 South Fifty-eighth Street, Philadelphia, writes:

I do hope your efforts may be crowned by success, and that these books do not ever leave the United States of America. Alas, we have too many people who do not appreciate the value of such books, and their cost is a trifle when you bear in mind how freely we spend millions on armaments \* \* \*.

Alfred Rigling, librarian of the Franklin Institute of Philadelphia, writes as follows:

I am indebted to you for sending me a copy of your speech and hope the Library of Congress may acquire the collection.

Dr. H. B. Van Hoosen, associate librarian, librarian of Brown University at Providence, R. I., says:

Certainly all American libraries should be grateful for your interest in the improvement of American library resources.

A. Mason Du Pré, dean, Wofford College, Spartansburg, S. C.:

I certainly hope that Congress will see fit to purchase this collection.

Dr. P. P. Claxton, former commissioner of education, Department of the Interior, Knoxville, Tenn.:

I agree with you most heartily that this collection should be retained in this country. It should be purchased by the Congressional Library. We are rich in many things but all too poor in wealth of this kind. What can be done to induce Congress to make an appropriation for its purchase?

Harold F. Brigham, librarian, Carnegie Library of Nashville:

We can assure you of our hearty interest in the proposal. Such a collection would add immeasurably to the prestige and importance of the Library of Congress as the greatest research library in the Western Hemisphere. It is very gratifying to know of your personal interest in a matter of this kind which is of such great concern to the library and teaching professions of the entire country.

Richard F. Burges, attorney at law, El Paso, Tex., says:

It is no more possible to fix the pecuniary value of one of these great collections of books than it is to appraise in dollars and cents the value of Shakespeare's plays. The opportunity to acquire one of these great collections presents itself only at rare intervals, and if you succeed in bringing about this purchase (as I sincerely trust you will), you will have rendered a service to the Congressional Library and to the United States of which any man might feel proud.

John S. Mayfield, Box 1253, Fort Worth, Tex.:

Being a collector of incunabula myself I was very much interested in the collection when it was brought to the United States, and on one occasion it was my privilege to examine the collection en masse.

I believe the Library of Congress would be indeed fortunate if the acquisition of this remarkable collection is made possible.

Clayton L. Traves, the Plaza Hotel, San Antonio, Tex.:

So fine an appeal in favor of so worthy a subject.

Frost Woodhull, attorney at law, San Antonio, Tex.:

I hope that a penny-wise and pound-foolish retrenchment policy may not interfere with the acquisition of such an unbelievably wonderful collection. Would it not be possible to deny ourselves the pleasure of owning a second-rate battle cruiser in order to obtain these, the greatest books on earth? The mere thought of losing this collection angers me.

President Lovett, of the Rice Institute of Houston, writes a letter in support of the bill.

H. J. Crookes of the Petroleum Iron Works Co., of Texas, at Houston:

You are doing a great work, and if this collection can be obtained for the American people, it will reflect great honor to the Nation and to yourself.

Dr. Henry Cohen, rabbi of the Congregation B'nai Israel, Galveston, Tex.:

I do hope that the United States will add it to its Congressional Library collection.

William Minor Lile, dean of Law School, University of Virginia:

Cultural value of Vollbehr collection not measurable in dollars, the Gutenberg alone should make Library mecca for the plain people as well as for scholars and all lovers of books.

President Joseph Depuy Eggleston, Hampden-Sydney College:

I hope very much that the collection will be acquired for the Library of Congress. This country is too rich in material things to hesitate to make itself richer in the things that are spiritual.



Harry Clemons, librarian of the University of Virginia:

Certainly there are many of us who are grateful to you for your leadership in the effort to seize this opportunity to purchase the collection for our National Library.

Dr. E. G. Swem, librarian of the College of William and Mary, writes as follows:

This collection should be in the Library of Congress, and there is no more appropriate time than the present, when it can be placed there in Doctor Putnam's lifetime.

Edward L. Stone, of Roanoke, Va., is enthusiastically in favor of the bill.

President W. T. Sanger, of the Medical College of Virginia:

I have read your speech in Congress on the acquisition of the Vollbehr collection and earnestly hope this can be acquired for the Congressional Library.

D. H. Dillard, president Negro Rural School Fund—Anna T. Jeanes Foundation:

I beg to thank you for your speech on the Vollbehr collection and to express my hope that you will succeed in your effort to acquire it for the Library of Congress.

E. Paul Saunders, 432 Oak Street, Clarendon, Va.:

Please add my name to the long list of those from whom you must certainly have received letters expressing their genuine hope that the superbly choice and desirable Vollbehr collection of incunabula will be secured for the Library of Congress. Your sponsorship of the proposal to acquire these rare and valuable volumes for the Library of Congress—which is truly our National Library—and for all of us and our posterity is an indication of recognition of the tremendous importance and desirability of the Library of Congress as the logical place to centralize our historical wealth and literary heritage. Your action in the matter is most commendable.

C. P. Bissett, dean of the College of Law, University of Washington:

As a book collector I feel sure that these books should remain in the United States.

William E. Henry, dean, University of Washington Library School, Seattle:

I want to heartily indorse your effort. You have concentrated a great amount of worth-while information concerning the nature and value of the Library of Congress. I have much of this information, but you have made it so available to our younger people, where it is much needed. In our training school for librarians your speech will be of great service to our 50 students graduating each year.

Frederick Starr, 5727 Thirty-fifth Avenue NE., Seattle, Wash.:

I congratulate you upon it and hope that the bill may be (or may have been) favorably considered.

Dr. Arthur S. Beardsley, law librarian, University of Washington, Seattle:

I am heartily in accord with your sentiments and sincerely hope that Congress can be prevailed upon to purchase this magnificent collection. The price is quite small when the richness and culture of having such a collection added to the Library of Congress is considered. This opportunity should be grasped at once, and I hope it will be. It is also to be hoped that Congress can be interested in affording a greater degree of generosity toward our marvelous Library in Washington. Its financial support is far below what it ought to receive. I have always felt that the Government ought to support our National Library instead of forcing it to seek the aid of philanthropists and generously minded citizens.

W. D. Vincent, president of the Old National Bank & Union Trust Co., Spokane, Wash.:

I hope, indeed, that there will be no difficulty in securing congressional appropriation for the purchase of this remarkable collection.

Prof. Frederick E. Bolton, School of Education, University of Washington:

I sincerely hope that you will be able to prevail upon Congress to acquire that valuable collection. You have done in the cause of scholarship a distinct service in your efforts to secure the collection.

L. M. Peairs, entomologist, West Virginia University, College of Agriculture, Morgantown, W. Va.:

I am sure that the cost of such a unique collection of books should not be considered, but that they should be secured at any price. No argument which I might advance to the purchase would add anything to the able discussion which constitutes your speech.

Charles McCamic, attorney at law, Wheeling, W. Va.:

Scholarship throughout the country will greatly profit if this collection is purchased. I hope the effort succeeds.

Warren Weaver, professor of mathematics, the University of Wisconsin, Madison:

May I express my gratification of the view which you took in this speech, and my entire agreement that it would be a disgrace if our Government can not support such cultural projects.

From Canada I received a letter from Louis Blake Duff, vice president of the Fidelity Trust Co., who writes as follows:

The argument is so strongly buttressed that the speech deserves to win. Doctor Winship sums the whole matter in his sentence: "The collection could not be duplicated now or at any time in the future for any amount of money." That is a moderate statement, as becomes Doctor Winship. For one who is market wise, you could have quoted no better authority than Doctor Ettinghausen.

Europe is topheavy with vellum Gutenbergs. The world would ride on a more even keel with one in the Louvre, one in the British Museum, and one in the Library of Congress.

Your speech was a noble effort for the Library of Congress, for the students of America, and for your country. Again I congratulate you and wish you every possible success.

I could go on quoting to you such expressions as these, perhaps, by the ream. However, I think I have already sufficiently demonstrated that there is a truly nation-wide interest in this proposal and that this interest is unanimously favorable to the acquisition of the Vollbehr collection. Were I to quote to you all the expressions that have come in, it would tire your patience, and I am afraid that I have done this already. Newspapers and magazines have carried numerous articles and editorials on this measure. Among them are the following:

Public Ledger (Philadelphia), Chicago Evening Post, Philadelphia Inquirer, Evening Star (Washington), Sunday Record (Columbia, S. C.), The Call (Paterson, N. J.), Library Journal (New York), Post Dispatch (St. Louis), Saturday Review of Literature, New York Times, Christian Science Monitor, Washington Herald, United States Daily, Washington Post, New York World, Houston (Tex.) Press, the Churchman (New York), Evening Transcript (Boston), Winston-Salem Journal (N. C.), Miami (Fla.) News, Minneapolis News, New York Tribune, Herald Examiner (Chicago), Hartford (Conn.) Courant, Evening German Herald, Brooklyn Eagle, Publishers' Weekly (New York), New York Herald, Printing (New York), Kansas City Press, and others.

Later on I shall call the attention of the Congress to some of these fine editorials. Time forbids my doing so now. I direct the attention of the committee, however, to the fact that every paper that has commented on the bill favors the purchase of the collection for the Library.

The quoted excerpts indicate a widespread interest in the acquisition of the collection for our Library. The letters do not come from one class of citizens but from all classes in all sections of the country. They show that these books are not museum pieces, that they are essential if our Library is to be provided with the material needed by historians and scholars and are indispensable if American scholarship is to keep pace with the scholarship of other peoples. These books are a link in the chain of our civilization. Without them our literary heritage would be incomplete. Joy, knowledge, inspiration, and value are here, and I can conceive of no greater injustice to American culture than our failure to seize this opportunity.

I hope that the Congress in its wisdom will see fit to give this bill favorable consideration.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for five minutes. Is there objection?

Mr. FRENCH. Mr. Speaker, reserving the right to object, I think the House feels we ought to go ahead with the naval appropriation bill, so I make the statement now, in order that it may not be personal, that I shall object to any further remarks following the remarks of the gentleman from Wisconsin.

Mr. BRITTEN. Mr. Speaker, before the gentleman makes the statement that he is going to object to any further remarks, I would like to ask unanimous consent to address the House for one minute following the gentleman from Wisconsin.

The SPEAKER. Is there objection?

Mr. AYRES. Mr. Speaker, I object. I think this wet and dry discussion has gone far enough to-day, and for that reason I object to any further speeches being made. I object to the request of the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Was not the request of the gentleman from Wisconsin put to the House and granted?

The SPEAKER. No; the gentleman from Kansas objected.

Mr. LAGUARDIA. I thought it was already granted, although I may be in error.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. FRENCH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

(Roll No. 44)

Abernethy	DeRouen	Kunz	Shreve
Allgood	Dickinson	Kurtz	Sirovich
Arentz	Dickstein	Langley	Somers, N. Y.
Auf der Heide	Domnick	Leech	Spearing
Baird	Doughton	Lindsay	Stafford
Beck	Doutrich	McFadden	Stedman
Bell	Doyle	Magrady	Stevenson
Black	Drane	Mead	Strong, Pa.
Bloom	Estep	Milligan	Sullivan, N. Y.
Brand, Ohio	Fort	Mooney	Sullivan, Pa.
Brigham	Garber, Va.	Mouser	Swick
Brumm	Gifford	Nelson, Me.	Taylor, Colo.
Brunner	Goldsbrough	O'Connell	Turpin
Burdick	Graham	O'Connor, N. Y.	Underhill
Busby	Hartley	Parker	Underwood
Canfield	Hess	Parks	Vincent, Mich.
Carley	Hoffman	Patterson	Walker
Celler	Hudspeth	Peavey	Welsh, Pa.
Chase	Hull, Tenn.	Perkins	White
Chindblom	Igoe	Porter	Wigglesworth
Clark, N. C.	James	Quayle	Wolfenden
Clarke, N. Y.	Jenkins	Rayburn	Wood
Connolly	Johnson, Ill.	Sabath	Wyant
Cooper, Ohio	Kennedy	Seger	Yon
Curry	Kerr	Selberling	Zihlman
De Priest	Kliss	Short	

The SPEAKER. Three hundred and twenty-four gentlemen present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

#### NAVY DEPARTMENT APPROPRIATIONS

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12236, the Navy Department appropriation bill, with Mr. HOCH in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Naval air station, Pensacola, Fla.: Improvement of landplane training field, \$139,000; improvement of power plant, \$162,000; improvement of water system, \$25,000; in all, \$326,000.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word to obtain some information from the Chairman with reference to the item, "improvement of water system, \$25,000," at the Pensacola, Fla., air station.

Mr. FRENCH. Mr. Chairman, I beg to say that when the estimates originally came to the committee it was thought it would be necessary under this item to acquire a little land adjacent to the land that is owned at this time by the Navy Department. As we took the question up further, after the bill had been reported, we were advised that it is not necessary, and in fact it is not the plan of the Navy Department, to purchase additional land, but that it can put through the water system upon land that is now owned by the Navy Department.

I understand the gentleman was disturbed in the matter of whether or not we had authority to purchase the land in the absence of a special authorization for that purpose. It is the judgment of the committee that we would have that authority, if it were necessary, for the reason that under the rulings of the House we may include money without special authority for purchase of land that is adjacent to land already owned. However, I may say I have in mind offering an amendment that will provide that this money is to be used for purposes exclusive of the purchase of land.

I have in my hand a letter from the chief of the Bureau of Yards and Docks, Admiral A. L. Parsons, in which he indicates that it will not be necessary to purchase any additional land. Unless the gentleman from Georgia desires it, I shall not bother to read the letter and shall offer the amendment.

Mr. VINSON of Georgia. Will the gentleman state to the committee that it is not the intention that any of this \$25,000

will be used for acquiring adjacent lands at the Pensacola air station?

Mr. FRENCH. That is the intention of the committee, and further than that, in order that there may be no possibility of misunderstanding, I am going to offer an amendment at this time providing that the money shall be for use in developing the water system exclusive of the purchase of land.

Mr. VINSON of Georgia. Following that, would it not be necessary to reduce the amount?

Mr. FRENCH. I think not. The amount that had been included for the purchase of land was a very inconsequential part of the total.

The pro forma amendment was withdrawn.

The CHAIRMAN. The gentleman from Idaho offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FRENCH, for the committee: Page 36, line 20, insert after the word "system" a comma and the words "exclusive of the purchase of land."

The amendment was agreed to.

The Clerk read as follows:

Naval air station, Pearl Harbor, Hawaii: Hangar, \$224,000; reserve hangar for plane assembly, \$216,000; extension of seaplane beach and runway, \$80,000; in all, \$520,000.

Mr. FRENCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 37, after line 8, insert a new paragraph, as follows:

"Toward the construction of certain public works and the purchase of lands, as authorized by the act entitled 'An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes,' approved May 14, 1930, \$3,194,000, of which amount \$150,000 shall be available for the employment of classified personal services in the Bureau of Yards and Docks and in the field to be engaged upon such work and to be in addition to employees otherwise provided for; and the Secretary of the Navy is authorized to enter into contract or contracts toward such construction at a cost in the aggregate not to exceed \$6,089,000: *Provided*, That no expenditure shall be made for the purchase or condemnation of land and dredging at the navy yard, Norfolk, Va., as contemplated by said act."

Mr. FRENCH. Mr. Chairman, a few days ago Congress passed a bill authorizing rather a large number of projects involving shore stations under the Navy Department. The amount of the authorization is \$10,057,500. The bill was approved by the President day before yesterday.

Estimates have been submitted to the Congress by the President under this general authorization that call for building and shore-station improvements to the extent of \$6,089,000, of which it is provided that \$3,194,000 shall be cared for by money appropriations and the balance by contract authorization.

Your committee has gone over the question with some care, with the Chief of Bureau of Yards and Docks and his assistants, and have had exhibited to us a tentative list of projects it is proposed to carry forward with the money and contract authorization suggested in the Budget estimates.

It is the thought of the committee, after examining the estimates for the different projects, that they are among the most important included in the bill that was approved day before yesterday, and while it is not possible to say in all instances that the items indicated will be the exact items that will be cared for, we have no doubt that in the main they will be; but there are several alternative items that your committee feel ought to stand as deserving of any application of money that could be applied to them if something should develop that would prevent the carrying forward of any particular project included in the preferred list making up the sum total.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. VINSON of Georgia. What does the gentleman mean by "exact items" that the Bureau of Yards and Docks might substitute?

Mr. FRENCH. I have in my hand a copy of the bill as it was passed. I understand the printed law is not yet available, but this seems to be the form in which it was passed through the House. The measure recites categorically the items for which authorization is made. We have gone through the entire list and have checked the ones it will be possible to enter upon or carry forward with the moneys provided for by direct appropriation and direct authorization. That does not include all of the items in the bill; there will be some to be cared for in the next appropriation bill. On the other hand, there are some items that seem to be of such importance that work should begin in a short time. But it might develop through some situation



of which we are not now advised that some project or building could not be carried forward. Instead of holding the money allocated to such item in cold storage, as you might say, for another year, it is the thought of the department that some of the other items carried in the bill could be substituted for the items that are estimated for as deserving of first consideration.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COCHRAN of Missouri. In the last few days several people have visited my office who have received word that they are going to be separated from their positions at the Washington Navy Yard to-morrow. One of them was a man who has served 29 years and has but 1 year more to go before he is eligible for retirement. Does the Washington Navy Yard in any way benefit by this appropriation?

Mr. FRENCH. The Washington Navy Yard is not involved in either the amendment that I offer or in the authorization program that was approved by Congress a few days ago.

Mr. COCHRAN of Missouri. Then there is no encouragement for employees of the Washington Navy Yard?

Mr. FRENCH. Under that act there is nothing. More than that, I would say that the employees to whom my colleague refers are shop mechanics, and they are not included in the building group of employees at all.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. I understand that the Appropriations Committee and the Bureau of Yards and Docks have allocated this lump-sum appropriation to the most important and urgent necessities that are included in the shore construction bill.

Mr. FRENCH. In a general way that statement is correct, with this modification, that some of the most important items are items as to which studies which will take months, or possibly a year, to conclude, must be made before the department could proceed, even if we made the money available at this time.

Mr. VINSON of Georgia. I think the course adopted by the committee is a wise course. I could not very well understand the amendment from the reading of it. Was there a limit on the item with reference to the Norfolk provision in this bill?

Mr. FRENCH. Yes. The reason for that limitation is because the work for which the money was authorized has already been accomplished by private parties. The item to which reference is made is this item:

Navy yard, Norfolk, Va.: Purchase or condemnation of land, dredging, \$65,000.

That work has already been cared for, and, therefore, will not need to be undertaken by the Government.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. The amendment presented by the gentleman would indicate that a lump sum was being set aside as an appropriation direct, and another lump sum is being set aside for authorization by contract. It develops that while those amounts are lump sums they refer to specific improvements necessary under the \$10,000,000 authorization act, and when those are selected as a preferred class out of the so-called shore construction bill, they will total an amount that is equal to the evident lump sum expressed in the gentleman's amendment.

Mr. FRENCH. That in the main is correct. In fact, we carry \$6,000,000 plus for work of which a little more than \$3,000,000 is in cash and the balance contract authorization.

Mr. BRITTEN. That is true, but all of it has already been selected out of the authorization bill.

Mr. FRENCH. Yes.

Mr. BRITTEN. In order to make up that amount.

Mr. FRENCH. As a part of the \$10,000,000 plus program.

Mr. BRITTEN. Has the Committee on Appropriations given to the Navy Department the specific items which it desires without variation?

Mr. FRENCH. We have given the money for the items in a general way that were presented to us from the Budget Bureau. I understand that the Navy Department would have included a few other items that were not approved by the Budget Bureau, but which possibly can be reached anyway, because of lapses in money that will be appropriated, if my amendment shall be agreed to, for projects on the first priority list and

thus be available for projects of next importance and which have been authorized.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRITTEN. Is there any confusion or difference of opinion between the Navy Department and the gentleman's committee?

Mr. FRENCH. Not the slightest.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. In reading the amendment I gather that \$150,000 will be used for employing additional employees in the Bureau of Yards and Docks.

Mr. FRENCH. And in the field.

Mr. VINSON of Georgia. Is there any provision in the bill requiring that the employees shall be restricted to civil-service employees?

Mr. FRENCH. That will be under the general law. We do not need to include such limitation in the bill.

Mr. VINSON of Georgia. What is the type of additional employees that the Bureau of Yards and Docks is required to have?

Mr. FRENCH. Generally speaking, they would be draftsmen and technical engineers, in connection with the preparation of plans and specifications, in working out the details of plans and contracts.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. LANKFORD of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. LANKFORD of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. LANKFORD of Virginia. I wish to inquire concerning the project at Norfolk. Could the gentleman tell me how much space there is now in front of the dry dock there? I understand the authorization was to have it 1,000 feet in length, to adapt it for vessels of less than 1,200 feet in length, so that they may come in and make use of that dry dock.

Mr. FRENCH. I have no particular information concerning that situation, as the work in contemplation when this item was framed has been completed.

Mr. BRITTEN. I may say that it has been taken over by the owner of the property alongside the slip or dry dock, and the work contemplated by the department is now rendered unnecessary.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MOORE of Virginia. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Chairman, without making any criticism of what the gentleman is proposing, I wish to call to his attention the fact that with the amendment the total appropriation for the next fiscal year will exceed the appropriation for the present fiscal year by about \$18,000,000. Is that correct?

Mr. FRENCH. Approximately correct.

Mr. MOORE of Virginia. If that is correct, I think it may be a great disappointment to the President. I remember the President said on the 23d of July that—

The Army and Navy budget must be reduced in view of the new situation created by the Kellogg pact and in view of the further fact that our war budget now exceeds that of any other nation.

Of course the gentleman's committee is not responsible, but the responsibility rests somewhere. Certainly the hope of the President will not be fulfilled by what is done this year in appropriating for Army and Navy expenditures.

Mr. FRENCH. In reply to the suggestion of the gentleman from Virginia, I think the President's hope is exactly in line with the hope of the members of our subcommittee. We are trying to think of the Navy from the standpoint of a number of years, not from the standpoint of any particular year.

The main reason why the items in the present bill will total more than those of the present year is that we are approaching the second year on the new cruisers, of which seven will be under construction in the approaching year. We are carrying for cruisers approximately \$35,000,000 in the present bill.

Mr. MOORE of Virginia. The President was emphatic in stating that we must reduce the Army and Navy budget in view of the Kellogg pact, particularly, and in view of the fact that we are expending more for such purposes than any other nation.

Mr. FRENCH. We have not exceeded the Budget in a general way, but on the other hand we have fallen below the Budget figures to the extent of \$1,700,000 or more.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Virginia may have one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. It will be recalled also in connection with the statement of the gentleman from Virginia that the President said that our Navy should be second to none on the high seas.

Mr. DUNBAR. Mr. Chairman, with the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. DUNBAR. Will it not take us five years to catch up with Great Britain? Is that true?

Mr. FRENCH. The gentleman's question would open up a wide field of discussion, and such a discussion would have to be premised upon the treaty being ratified that was drafted by the London Naval Conference.

Mr. DUNBAR. If it is ratified, will it not take us five years to catch up with Great Britain?

Mr. FRENCH. As I indicated in my general statement touching the naval appropriation bill on Friday a week ago, in some categories we would need to build up in order to attain what we might be permitted to attain under the treaty. We would need to scrap in others. Great Britain would need to scrap in some lines in order to come down to the number which she would be permitted to have, and she, too, would need to expand in other categories.

Mr. DUNBAR. I mean total tonnage.

Mr. FRENCH. We will have less total tonnage under the treaty. We shall need to scrap certain destroyer and submarine tonnage and expand in cruiser tonnage. The question can not be answered adequately except at some length.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DUNBAR. We shall have three less battleships under the London treaty, shall we not?

Mr. FRENCH. Should the treaty be approved, as I trust it may be, we shall have three less battleships and Great Britain will have five less and Japan one less.

Mr. DUNBAR. And we will have to make additional tonnage to make up for the loss of those battleships?

Mr. FRENCH. No; not necessarily. I indicated the other day that, in my judgment, it will be for the United States to determine her tonnage upon the basis of the national needs under all the circumstances. Other nations may not build up to the maximum of their tonnage.

Mr. BRITTEN. They are already built up to it.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. JOHNSON of Oklahoma. I was interested in the gentleman's statement that under the treaty there would be a number of ships scrapped. Did the gentleman state in his remarks just how many ships the United States would be compelled to scrap, under the treaty?

Mr. FRENCH. I indicated in my general statement last week, type by type, the difference in tonnage as it is to-day, and as it will be possible to maintain under the treaty in the event of its ratification.

Mr. JOHNSON of Oklahoma. The gentleman remembers that after the Washington conference the United States did scrap several of her battleships, a number of which were very good battleships, and the gentleman also remembers that Great Britain refused to scrap her battleships. Does the gentleman contemplate that that very thing may happen in this instance?

Mr. FRENCH. The gentleman from Oklahoma [Mr. JOHNSON] must recognize that not only the United States but Great Britain scrapped battleships. Great Britain scrapped quite a number of new battleships or battleships that were under construction. The United States, however, scrapped more tonnage that was new or under construction.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. FRENCH] has again expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for one more minute.

The CHAIRMAN. Without objection, the gentleman from Idaho [Mr. FRENCH] is recognized for one additional minute.

There was no objection.

Mr. FRENCH. More than that, the tonnage that was finally agreed upon in battleships as to Great Britain and the United States was a tonnage that was supposed to be fair touching both nations, giving Great Britain certain battleships and cruisers, with the privilege of finishing some that were under construction and upon the completion of which she would withdraw certain ships that were in her establishment when the treaty was negotiated, giving to the United States the privilege of completing two battleships and withdrawing four. While there was not an exact balance, measured by tonnage, it was the belief at the time that the two battle fleets were substantially equal.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. LANKFORD of Virginia. Mr. Chairman, I rise in opposition to the amendment.

I do not oppose the amendment, but I take this opportunity to bring to the attention of the committee something which I hope it will be possible to correct. The committee has gone over this entire schedule, and in the entire United States and all possessions it has cut out one item—that of Norfolk.

I asked the gentleman the express question if he knew the width of the harbor in front of this great dry dock, the greatest dry dock in the United States, a dry dock 1,000 feet long. There are only two of this size in this country—one in Boston and one in Norfolk.

I have been in close touch with the United States Lines for the purpose of docking in this Norfolk dock the largest vessels afloat, such as the *Leviathan* and two more which are being laid down, a little longer than the *Leviathan*. It does seem to me that this great dock in an emergency should be used. The president of the United States Lines told me some months ago that when his fleet was enlarged he would have to do his work in a foreign port unless we could develop Norfolk Harbor so that we could dock the *Leviathan* and ships like that.

This is only an item of \$65,000. It is small. We should have fourteen or fifteen or sixteen hundred feet as a turning basin in front of that dry dock. Why not leave this item in the bill until the committee can look into the situation farther? Let us see if more information would not develop the fact that this is very necessary. I hope the committee will do this until the matter can be looked into farther, because there is certainly something in what I am telling you. This dock will be needed when these ships are completed.

Mr. BRITTEN. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. BRITTEN. I appreciate very, very fully what the gentleman is talking about and am in complete accord with his desires for an extra docking place for such ships as the *Leviathan* and those which may be built in the future.

When I heard that \$3,000,000 had been requested by the President, with the limitation therein, I immediately inquired as to why the item of which the gentleman from Virginia [Mr. LANKFORD] speaks was taken from the bill, and I learned positively—that is, as positively as can be learned from the Bureau of Yards and Docks—that what the gentleman desires and what the Committee on Naval Affairs desires has been done by private interests who own property on the south side of the slip at the Norfolk yards.

Those private interests have developed their own property to such an extent that it will not be necessary for the Government to spend one dollar in doing the thing which the Government desires to accomplish, and that which the gentleman from Virginia is speaking about. I think if the gentleman from Virginia [Mr. LANKFORD] will investigate he will find that the removal of a great deal of private land has been done by private interests.

Mr. LANKFORD of Virginia. That may have been done, but I will not have time now to investigate before the passage of this bill.



Mr. BRITTEN. It was done upon the request of the President himself.

Mr. HUDSON. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. HUDSON. The matter of authorization was brought before the Committee on Rivers and Harbors, and the record before that committee is as the gentleman from Illinois [Mr. BRITTEN] has just stated.

Mr. LANKFORD of Virginia. Does the gentleman from Michigan [Mr. HUDSON] know how much space there is now in front of this dock after the present improvement?

Mr. HUDSON. I could not tell that, but the very item of which the gentleman from Virginia [Mr. LANKFORD] is speaking is shown to have been done by private interests.

Mr. FRENCH. Will the gentleman yield?

Mr. LANKFORD of Virginia. I yield.

Mr. FRENCH. In further reply to the gentleman from Virginia [Mr. LANKFORD], the very piece of work for which this particular authorization was carried into the law has been done. Therefore, whether we leave the money in the bill or not, it would not be used. The department has no authority and no right to use money that may be appropriated for a particular object for some other purpose if it finds that the particular project for which the money was appropriated has already been completed. Therefore it would not serve the purpose of the gentleman from Virginia at all to leave the money in the bill. More than that, if the question to which the gentleman from Virginia [Mr. LANKFORD] refers is one that requires further authorization, then it is a problem that will have to be taken up with the naval legislative committee and with regard to which the Appropriations Committee does not have authority.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BUREAU OF AERONAUTICS  
AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1930, \$1,129,200; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$13,235,700, including \$428,000 for the equipment of vessels with catapults and including not to exceed \$166,000, to be transferred in advance to the Bureau of Mines, for the procurement of helium; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any person so employed, \$2,000,000; for drafting, clerical, inspection, and messenger service, \$834,511; for new construction and procurement of aircraft and equipment, including not to exceed \$707,700 for the Naval Reserve, \$13,033,800, of which amount not to exceed \$10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy appropriation act for the fiscal year 1930, approved March 2, 1929 (45 Stat. 1465); toward the construction of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. III, title 34, sec. 749a), and subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929, \$1,800,000; in all, \$32,033,211; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment, the Secretary of the Navy may, prior to July 1, 1932, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts, and accessories, to an amount not in excess of \$10,000,000: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of \$500.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of obtaining some information from the gentleman from Idaho. The gentleman was making

a statement a moment ago with reference to scrapping naval vessels. It occurs to me that this is probably the proper place in the bill to discuss the scrapping of a dirigible that was authorized by Congress by the act of 1926. My recollection is that under the act of 1926, authorizing the construction of two lighter-than-air ships, known as dirigibles, the Secretary is permitted by the language that was put in the appropriation bill last year to cancel the contract with reference to the construction of the second one. It occurs to me that in view of the uncertainty of the military value of a dirigible that it might be wise for the Congress to merely authorize the completion of the one that is in the process of being built and for which appropriation has been made and to withhold the appropriation for the second one and instruct the Secretary to cancel the contract for it.

Let me say to the gentleman from Idaho that there is grave doubt in the minds of some of the military experts testifying before the House Naval Affairs Committee as to the military value of these large 6,000,000 cubic feet lighter-than-air ships. As the Secretary under the law is vested with the power to cancel the contract and the damages for cancelling the contract having been fixed by a previous act of Congress in the event he does cancel the contract, it occurs to me it might be in the interest of economy if the Congress would go on record as instructing the Secretary, in view of the uncertainty of the military value of the one that is already being built, to cancel the contract for the other one.

Here is the situation: If we build two it becomes necessary to build a hangar, which is estimated to cost in the neighborhood of \$5,000,000. To finish the second one it would cost approximately \$3,000,000, so that \$8,000,000 would be involved. There is a great deal of uncertainty and doubt in my mind and in the minds of the General Board, as the military value has not been definitely determined nor has their mission in time of war been clearly defined, as to their effectiveness from a military standpoint. So I rise for the purpose of asking the gentleman from Idaho what his viewpoint is in regard to putting language in this bill directing the Secretary to cancel the contract that he has now entered into with reference to the construction of the second dirigible.

Mr. FRENCH. In reply to the gentleman I would say that the language which the committee has recommended be included in the bill is as follows:

And subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the Naval Service for the fiscal year 1929, \$1,800,000.

In other words, the language we have used harks back to the language used in the law under which the contract was made.

Mr. OLIVER of Alabama. Not the language under which the contract was made, but rather the language that the Appropriations Committee inserted in connection with the appropriation that was made.

Mr. FRENCH. Well, that is true and under which, as I understand, the contract itself was made, not under the language of the authorization law, but under the appropriation act.

Members of the House probably should be reminded that the authorization for the dirigible was made in the act of Congress of June 24, 1926. At that time the Congress authorized the construction of two lighter-than-air craft, at a total cost of not to exceed \$8,000,000.

When the Committee on Appropriations undertook to provide language for carrying out the authorization it seemed to the members of the committee that we should undertake the construction of one lighter-than-air craft instead of two. I think the gentleman from Georgia will recall that the committee so reported the bill. However, when the House considered it a motion was made that we proceed with the construction of two lighter-than-air craft instead of one. Your committee resisted that motion in part upon the very ground that the gentleman now draws attention to, namely, the lack of conviction that the ships were of great military value to our country. However, the Members of the House will recall that the Congress two years ago overrode the thought of the committee at the time and carried money into the bill providing for two lighter-than-air ships instead of one. Your committee then endeavored to protect the Government's rights in the matter, and in the appropriation act of May 21, 1928, this language was carried:

*Provided*, That the contract for such rigid airships shall (a) reserve to the Government the right of cancellation of the construction of the second airship if changed circumstances, in the judgment of the Secretary of the Navy, shall suggest that course as being in the best interests of the Government, such right of cancellation to continue until the

first airship shall have been tested in flight and accepted, and (b) provide that in the event of such cancellation, the total cost of the first airship, and all payments under, and expenses incident to the cancellation of, the contract for the second airship, shall not exceed \$5,500,000.

Contracts have been made for both of these ships. The amount of the contract for the first ship is \$5,375,000 and for the second ship \$2,450,000, a saving of some \$175,000 on both ships under the amount of the authorization.

In writing the contract for the second ship the Navy Department inserted this language, which is found in article 39:

ART. 39. This contract shall be subject to cancellation by the department without liability, upon written notice to the contractor at any time before the airship Z-R-S 4 (the first ship), to be constructed under contract entered into of even date herewith, shall be tested in flight and preliminarily accepted.

So then the Secretary of the Navy has the authority to cancel the contract. We have carried the language to which I referred at the opening of my remarks in the bill we have reported, reciting again that the appropriation we are making is upon the basis of the contract and subject to the contractual conditions stipulated as to such rigid airships in the act making appropriations for the Navy Department and the naval service for the fiscal year 1929.

It seems to the members of the committee that the authority is with the Secretary of the Navy and we have not attempted to disturb that authority.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. I shall be pleased to yield.

Mr. VINSON of Georgia. I think the committee and the Congress did a very wise thing a few years ago when it incorporated the provision which the gentleman has just read with reference to cancellation of the contract, because there is grave doubt in my mind, and there is doubt and uncertainty in the mind of the general board, as to the military value of this type of airship.

Now, as the Secretary of the Navy is the agent of Congress, probably there might be some hesitancy on the part of the Secretary about expressing an opinion, so it occurs to me that the proper thing to do is to have an expression of opinion from the Congress, and if the Congress in its judgment thinks it is doubtful as to whether we should proceed with the other ship now, then, of course, under the language just referred to, the Secretary, after such an expression from Congress, would probably cancel the contract.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent for recognition for five minutes.

The CHAIRMAN. Without objection, the gentleman from Georgia is recognized for five minutes.

There was no objection.

Mr. VINSON of Georgia. So I was hopeful that the committee would take this action, in the interest of economy, and inasmuch as there is grave doubt in the minds of military men as to the necessity of these ships, especially in view of the fact that the first one has not had any military use, would hesitate about building the second ship.

I think the Committee on Appropriations is to be commended for putting language into the bill which permits the Secretary to do the identical thing that I am now proposing, and I commend the committee for its action, but I have some doubt in my own mind as to whether the Secretary will take the initiative unless Congress encourages him to do so.

I am satisfied from the hearings that are now in progress before the Committee on Naval Affairs that if the General Board would make the same kind of statements as to the uncertainty of these ships to the Secretary, the Secretary himself would probably move to cancel these contracts, but the board may not do this, and as the Congress knows and as the gentleman knows, there is grave doubt as to their military value, and therefore, in the interest of economy, it is incumbent upon us, as I view it, to take the initiative and to suggest in some kind of language to the Secretary that it might be in the interest of economy to cancel this contract.

The damages, in the event the contract is canceled, are already fixed by law and there would be no doubt as to how much the Goodyear Co. would receive. It is a certain, definite fact as to how much we would have to pay.

Then let the military men prove that the first one that is authorized is satisfactory and worth while and then we could

make another contract with the Goodyear Co. for the construction of another one.

I remember quite well that the gentleman from Idaho [Mr. FRENCH] took this position when the bill authorizing this was before the House, but we who were on the committee, including myself, were imbued with the idea they were of some great military value. Since then new light has been shed on the question. I regret I did not have the same viewpoint as the gentleman from Idaho when the matter was before the House when we were authorizing these ships.

I hope the committee now will see fit to adopt the views expressed by the gentleman from Idaho when we were authorizing the two ships, and instruct the Secretary, in the interest of economy, to save this \$8,000,000 by not building the second one.

If the Secretary waits much longer it would not be fair to the Goodyear people. Now is the time for the Secretary to act. If he waits until the second contract is put into effect it will work a hardship on the company.

Mr. FRENCH. May I make just this observation? I am very much interested in the attitude of the gentleman from Georgia to-day, because only two days ago, in a speech on this floor, the gentleman indicated that the Committee on Appropriations ought to regard the laws as mandates to put items into appropriation bills. The gentleman now seems to think we ought to exercise some discretion. [Applause.]

Mr. VINSON of Georgia. That was a principle and this is economy. [Laughter.]

Mr. BRITTEN. Mr. Chairman, I move to strike out the last two words and I do so for the purpose of clearing the atmosphere, at least with respect to the gentleman's idea that the dirigible has proven a military failure. This is not so at all.

To suggest that the Secretary of the Navy to-day be directed to cancel a contract at once when he has authority in the contract with the Goodyear Co. to cancel the contract at any time within the next two years, I would say would be very, very poor business.

Mr. TABER. Will the gentleman yield to me a moment?

Mr. BRITTEN. Yes.

Mr. TABER. It is my understanding that under the contract that has been entered into, the first Zeppelin is supposed to be ready for delivery about the 1st of July, 1931, and at that time is to be tested in flight, and after the testing in flight and before the acceptance, the cancellation of the second dirigible must come if it is to come at all.

Mr. BRITTEN. That is entirely correct, the Secretary has the right to cancel that contract to-day, or a year from to-day or a year and a half from to-day. Why direct him to do so when the military value of the airship has not been tested?

Mr. HUDSON. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HUDSON. Do I understand that there is a difference of opinion between the two admirals of the committee?

Mr. BRITTEN. I will say to the gentleman that there appears to be a difference between the two gentlemen, members of the committee.

Mr. HUDSON. In such a case, which admiral's advice should the committee take?

Mr. BRITTEN. I am willing to live up to the contract that the department has signed under authority given by Congress, in the way in which the gentleman from Georgia desires. He desired to be protected against the purchase of the second zeppelin. That is all right and logical. It is in the original legislation, appropriating for the two zeppelins. It is in the contract. Why direct the Secretary of the Navy to do something that he has a year and half in which to do it. On the other hand, you have observed the figures read by the distinguished gentleman from Idaho that we paid \$5,300,000 for the first, and \$2,200,000 for the second—a difference of \$3,000,000. I am sure the gentleman from Georgia will not press his desire for direction to the Secretary of the Navy, because the hearings before the Committee on Naval Affairs have not progressed to that point which shows the military value of the zeppelin.

Mr. HUDSON. Will the admiral from Illinois yield?

Mr. BRITTEN. I will yield to the small-navy man, who has been a small-navy man ever since he came to Congress.

Mr. HUDSON. I am for an adequate navy—

Mr. BRITTEN. The gentleman has always been a small-navy man, and will always be a small-navy man as long as he lives.

The CHAIRMAN. The time of the gentleman from Illinois has expired.



Mr. OLIVER of Alabama. Mr. Chairman, the debate for the last 10 minutes has been very pleasing to the Subcommittee on Appropriations, for the reason that the "two admirals," one from Georgia and one from Illinois, to whom the gentleman from Michigan [Mr. HUDSON] referred, have each striven to outdo the other in commending the action of our committee in reserving to the Government the right to cancel the contract for the second dirigible until after the completion of the first ship and a satisfactory test in flight was had. The gentleman from Georgia, regretting some remarks which he made a few days ago, now makes honorable amends by extending warm congratulations to the Subcommittee on Appropriations for its refusal to follow the authorization act in providing funds for the construction of the two lighter-than-air ships. He very strongly commends the subcommittee for the wisdom shown in reserving the right to cancel the contract for the second ship on terms so advantageous to the Government. Both the gentleman from Georgia and the gentleman from Illinois have graciously referred to the wise discretion shown by the subcommittee in caring for the Government's interests under the very general authorization by the Committee on Naval Affairs, and where the interests of the Government were not carefully safeguarded. In other words, both gentlemen are frank to now say that the Committee on Appropriations have shown that they are not and should never be considered a mere adding machine. [Laughter.]

It is interesting also to note that the only difference between the gentleman from Georgia and the gentleman from Illinois is that the gentleman from Georgia desires to especially commend the committee for having wisely exercised its discretion as to the manner in which the appropriation was first carried, and the gentleman from Illinois so desires to stress the importance of the language used in connection with the appropriation that he declares: "So wisely have they used language in reference to this appropriation that we need not act on the suggestion of the gentleman from Georgia now in order to effect the large savings he called attention to, but we can take action thereon two years from now and thus avail ourselves of the same savings." [Laughter.]

So, you can see how they have striven, one to outdo the other in praising the subcommittee on appropriations for the wise exercise of discretion in the carrying out of an authorization carelessly made by their own committee as to the building of these two ships. [Applause.]

I deeply appreciate that these gentlemen, with their usual frankness and candor, have graciously made this statement to the House, because it serves a double purpose. First, it sets them right in their own consciences as to statements that they recently made and now in effect withdraw. Then again it serves notice, and in a very timely way, on the Goodyear Co., who have the contract for building these ships, that they should go rather slow in spending any money on the second ship, because, while we are perfectly willing that they shall have the \$5,500,000 fixed as the amount to be paid them for the completion of the first ship, and as liquidated damages for the cancellation of the contract for the second ship, yet the Government will probably not want the second ship. Since the right to cancel is reserved by wording, both in the appropriation and in the contract, I think the gentleman from Illinois [Mr. BRITTON], sound business man that he is, is quite right in stating that there is no need for haste in the assertion of the right to cancel the contract for the second ship and we might safely wait until December, at least. [Laughter.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I move to strike out the last word in order to ask a question of the chairman of the subcommittee. If my memory serves me right, at the same time that we had this subject up for consideration there was pending a proposition to construct an all-metal type of airship. That ship, if I am advised correctly, has been completed. I am just wondering if the chairman of the subcommittee can give to the Members of the House any information as to whether or not the tests have met the requirements of the Navy, and if this new type of ship has any superior or inferior qualities in comparison with the *Los Angeles*.

Mr. FRENCH. Mr. Chairman, the tests have been made, and very valuable lessons are being drawn from the metal ship that was completed last summer. The ship is now at Lakehurst. It has flown several thousand miles. It visited Washington last fall and returned. As the gentleman recalls, the ship is very limited in size in comparison with the *Los Angeles*, and of course is a very small ship in comparison with the 5,000,000 cubic feet ships that are under construction. I have no hesitancy in saying that I think very valuable lessons are being de-

rived from the metal ship, and from the tests that are being made.

Mr. McCLINTIC of Oklahoma. I am very glad to have that statement go into the Record at this point for this reason: When the bill was under consideration before the Naval Committee to construct these two ships I called attention to the fact that we were constructing a ship of an entirely different type, and that probably we would have some new lessons brought to our attention that would be valuable, and suggested that we construct only one large dirigible. If my memory serves me correctly, I think I offered an amendment to that effect. In other words, I was in accord with the action taken by the Appropriations Committee.

Mr. FRENCH. And may I say that that was my own thought, that we ought to wait before obligating ourselves to construct two of those ships, so that we could see whether or not a lighter-than-air metal type ship would be successful.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman from Oklahoma yield to me for a moment?

Mr. McCLINTIC of Oklahoma. Yes.

Mr. VINSON of Georgia. In view of the statement made by the gentleman from Alabama [Mr. OLIVER], let me suggest to my colleague from Illinois [Mr. BRITTON] that divided we fall and united we stand. [Laughter.]

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I am very glad to know that there are not three sides to any question. If there were, I am satisfied that some of us would be on all three, but as there are only two sides, we have to abide by the decision of the majority.

Mr. OLIVER of Alabama. The gentleman will be interested to know of a further saving made in line with a suggestion of the gentleman made some time ago that additional hangars would not be necessary to be provided for this metal ship after the completion of the large dirigible. The committee refused its approval of a Budget estimate of \$75,000 to tear down and build a new hangar at Lakehurst. We followed the suggestion the gentleman made, that the hangar provided at another place could be used for that purpose.

Mr. McCLINTIC of Oklahoma. I am very glad to have the gentleman's contribution. At the present time the Navy has a hangar at Lakehurst, N. J., costing something over \$3,000,000, and if additional hangar facilities are needed to take care of this metal type of ship, I am sure the same can be housed there in an efficient manner. This hangar is located so close to the sea that should our Nation be engaged in war it would furnish an easy target to the enemy. In addition, such a location subjects those who might be handling a dirigible to fogs, sudden squalls, and other unfavorable conditions that are necessary to combat in handling such a ship when close to the sea. I am hoping that should it ever be necessary to construct another hangar for the purpose of housing ships of this type that all of these facts will be taken into consideration and that such location be placed far enough inland so as to give aircraft plenty of room and time to protect the same in case it was attacked by air from the sea. As I view this expenditure, it is a waste of our public funds, and in addition those who made the statement that the title was in good condition for the land where the station is located are entitled to some criticism, because this question has never been properly adjudicated and the Government will probably have to pay an additional \$100,000 before the question is finally determined.

Mr. KVALE. Mr. Chairman, I rise in opposition to the pro forma amendment in order to ask the chairman of the committee a question. What attention was given in the hearings to the matter of fire protection for all of this material, for all of the airplanes and hangars, for the laboratories, and the equipment now in governmental possession and appropriated for in this bill? Millions of dollars have been appropriated rightfully, and yet we are having the spectacle of fire after fire, destructive and wasteful fires, in these airplane hangars all over the country.

It seems to me that adequate attention is not being given to the matter of fire protection, to the matter of developing some effective and positive protection which will insure economy over a long period of time. I can not find any reference in the hearings to the subject of fire protection or of any experimentation in connection with evolving some practical fire-preventive plan.

Mr. FRENCH. I beg to say in reply to the gentleman that the subject to which he calls attention is one that is constantly receiving the attention of the committee and of the department. We endeavor to carry money into the bill to provide adequate fire protection.

The gentleman will recall that to some extent the Navy Department is laboring under a handicap in that not all structures

are permanent. Many of them built in war time. Such structures as that are, of course, hazardous. Again, to some extent, we are dealing with materials that are highly inflammable and which carry with them extra hazards. The permanent structural work, however, that we are providing for under the bill, and which we have provided for since the war days, has been for the most part of a durable character and largely of fireproof character.

Mr. KVALE. I thank the gentleman. But the point is that while these housing facilities may themselves be fireproof, nevertheless the airplanes and supplies and equipment within them most certainly are not. Will the gentleman state which ones are of a less inflammable character? I know of at least one instance where fire swept through a flammable hangar with a sudden swish and great roar, destroying planes and equipment, and not even igniting the hangar itself. That illustrates the immediate and compelling need for determining at once upon the proper sort and amount of fire-protective agencies and materials and then supplying them.

Considerations of economy should demand that. Otherwise there is no use in spending these millions in having these finest types of material unprotected. I can see in the case of Nicaragua—to cite an example—where aircraft is the only means of communication by our troops with the outside world, where such fires resulting in destruction of aerial equipment might prove to have the direst consequences.

Mr. FRENCH. If the gentleman will run through the items in our bill, he will find in item after item money provided for the protection of the property concerned. For instance, under the items included under the Bureau of Yards and Docks, as in the case of a submarine base—

Mr. KVALE. If the gentleman will permit an interruption, I could not and can not now find them among these aviation items.

Mr. FRENCH. I do not mean that the items themselves in all instances are in the bill, but let me direct attention to the data furnished in support of several items. We carry a sum, for instance, for a submarine base, or for the maintenance of the several navy yards as a lump sum. Reverting, however, to the Book of Estimates, the gentleman will find the large items broken into subdivisions. He will find such items as these: "Improvement of submarine bases, Coco Solo, fire protection, \$20,000"; "naval station at Guam, fire protection, \$8,000"; "naval station at Guantanamo, fire protection, \$11,000"; and so as to many other stations.

We are trying to meet the requirements of fire protection in all the naval bases of the country as the department brings them to our attention. We are trying to provide the very facilities which the gentleman regards as important, and I think we are impressed by the thought that we are dealing with inflammable material on the one hand, and therefore we must exercise great care, and on the other hand to a certain extent we are dealing in many instances with temporary structures; and in spite of that we are trying to make available funds for their protection.

The CHAIRMAN. The gentleman's time has expired. The Clerk will read.

The Clerk read as follows:

#### NAVAL ACADEMY

Pay, Naval Academy: Pay for professors and others, Naval Academy: Pay of professors and instructors, including one professor as librarian, \$290,000: *Provided*, That not more than \$36,500 shall be paid for masters and instructors in swordsmanship and physical training.

Mr. FISH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. FISH. Mr. Chairman, the subject I wish to speak on is not directly connected with the Naval Academy, but it is indirectly connected with it and of interest, I believe, to those who are interested in restoring football relations between West Point and Annapolis. The newspapers all over the country have been filled in the last few days with items concerning the resignation of Cadet Cagle, the famous West Point football player, in view of the fact that two years ago he married and in spite of his

signed statement to the contrary he continued at West Point and played for two years as halfback on the Military Academy football team. Representing the West Point district in Congress and as one who believes in and loves the game of football and desires to maintain the amateur spirit of American football, I believe the time has come for an investigation to be made at West Point to determine whether or not there was any officer or officers there who knew in the last two years that Cadet Cagle was married and connived at the fact and permitted him to continue at West Point and play upon the Army football team. [Applause.]

The very fact that Cadet Cagle continued to stay at West Point has struck a heavy blow at the morale, at the prestige, at the status, of amateur football at West Point and at the honor and fair name of the United States Military Academy. Those of us who are interested in amateur football, who are interested in the Military Academy at West Point, and in maintaining the high position and the high standards that have existed in the past in all the activities of the War Department, must feel that an immediate investigation should be made to find out the facts and find out whether anyone was responsible for conniving and permitting Cadet Cagle to remain at the Military Academy in order to play football. And, no matter who that official is, he should be censured and transferred immediately from West Point.

For three or four years, Mr. Chairman, I have been complaining openly against the eligibility rules at West Point that permit star football players who have played three or four years at other colleges to come to West Point and play three years upon the Army team. I have always complained against it upon principle, not that I do not want West Point to win, for I live right opposite West Point and believe in the Military Academy and desire to see it win, but not at the cost of the spirit of amateur football. For the last few years over 50 per cent of all the members on the Army football teams have been former college stars. You do not need more than 11 men on a football team, and any college with 100 men, which has 11 former stars, could go out to-morrow and beat Harvard and Yale and Princeton. I ask at this time that all those who are interested, and particularly appeal to the members of the Committee on Military Affairs and the Committee on Naval Affairs, to use their influence to try to bring about a resumption of football relations between the Army and the Navy. [Applause.]

Mr. McCLINTIC of Oklahoma. Will the gentleman yield?

Mr. FISH. I yield.

Mr. McCLINTIC of Oklahoma. If I am correctly informed, the report was given out some time ago that the differences had been adjusted and that the Army-Navy game would be played again. Does the gentleman have any information as to the accuracy of this statement which was published by the press?

Mr. FISH. I am not at liberty to answer that question. I have some personal confidential knowledge on that subject, and I am led to believe that they may play next year. I do think they should be compelled to play next year, especially in view of the very glaring and unsportsmanlike example of Cadet Cagle, who played on the Army team for two years in defiance of all the well-known rules and regulations of the Military Academy.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. FISH] have five additional minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] asks unanimous consent that the gentleman from New York [Mr. FISH] have five additional minutes. Is there objection?

There was no objection.

Mr. SLOAN. Will the gentleman yield?

Mr. FISH. I yield for a brief question.

Mr. SLOAN. In that investigation might it not be well to find out whether or not military drill and military maneuvers at West Point are not interfering too much with football? We hear more about football from West Point than we do military drill, and a lot of antagonism between military drilling and football at West Point could be settled at the same time.

Mr. FISH. I do not think it interferes with military drill. West Point is to-day, and for some time past has been, the most efficient Military Academy in the world. We want to maintain it as such, but this is not the first instance where a famous Army football captain, who has been playing varsity football for six or seven years, has resigned immediately after getting his training at West Point at the expense of the Ameri-



can taxpayers. There have been a number of football captains who have resigned. Garbish resigned; Sprague, last year's captain, resigned; McCuen resigned. All football captains in recent years. In addition, such famous football stars as Oliphant, Vidal, and French resigned from the military service after graduating from West Point. The Military Academy must not get the reputation that it is a training school for football stars. We believe it is a training school to produce the best-equipped young officers in the world. It has a splendid record for efficiency, and it must be maintained, and we must not let the people back home think it is merely a governmental institution for the benefit of football stars or to win football games through selfish eligibility rules out of line with other colleges.

The American people will think so, as long as 60 per cent of the Army teams are composed of famous football players from other colleges, many of whom resign immediately after they get through the academy.

Mr. HOUSTON of Delaware. Will the gentleman yield?

Mr. FISH. I yield.

Mr. HOUSTON of Delaware. Is a cadet at West Point subject to court-martial?

Mr. FISH. Yes; but in the case of Cadet Cagle the authorities waived court-martial, and permitted him to resign. That question should be looked into.

Mr. BRITTEN. Will the gentleman yield?

Mr. FISH. I yield.

Mr. BRITTEN. His resignation was requested.

Mr. FISH. I believe you are right.

It would require half an hour to go into this issue thoroughly. I would not have spoken to-day except for the fact I did not see any other opportunity to bring it up. It is an interesting fact that about a week ago Cadet Cagle gave out a statement that he would be obliged to resign from the academy on graduation in June because his pay would be only \$125 per month, and 60 cents a day for rations and he forgot to add free living quarters. This was a most unfortunate statement, and a reflection on the military service. He also stated he was going to receive \$8,000 a year for coaching, which equaled the pay of a major general. Then a few days later we find he is compelled to resign because he has been married for a couple of years, in spite of his signed statement to the contrary on two different occasions, which enabled him to play on the Army team in 1928 and 1929.

But, the main principle involved is one of democracy, not the unsportsmanlike conduct of Cadet Cagle. You gentlemen, and your friends, have sons who may want to go to West Point, and they will want an equal opportunity to "make" the West Point football team if they go there. They should not be pitted against a man of 23 or 24 or 25 years of age who has been playing varsity football for six or seven years.

I have a son who may want to go to West Point. I hope, if he does, he will enter the Military Academy when he is 18; and I hope that when he is 19, after he has been there a year, he will have an opportunity to "make" the team on his own merits, but he can never make it if he is pitted against a lot of much older men and veteran players who have been playing varsity football for years in other universities throughout the country.

Beyond that, the morale and high standing and glorious traditions of football at West Point are involved. I believe an investigation would have the unanimous support not only of the American public but of the old Army football players as well who desire to maintain their splendid traditions intact and also the amateur spirit of American football. The Naval Academy has the 3-year rule, under which a midshipman can only play all together three years. The authorities at Annapolis are willing to compromise with West Point to-day and allow West Point a great advantage by accepting a 4-year eligibility rule as against the 3-year rule enforced already at the Naval Academy, which would be continued there. Personally, I believe such a proposed compromise would be fair to all concerned. For the past six years in succession the Army team has had a captain who has played varsity football for six or seven years. Is that fair to the sons of former members of great Army elevens of the past who may enter the Military Academy and aspire to become a captain of the football team, or to any of the fine young Americans who are shut out from ever being captain of the eleven by veterans with six years' varsity experience? There are more midshipmen at Annapolis than cadets at West Point, but the numerical advantage is offset by the two years' additional age limit at West Point, which is a great advantage as far as football material is concerned.

Let West Point adopt a 4-year rule instead of a 6-year rule which it has at the present time. On that basis the two

academies can get together and everyone, including the public, will be satisfied. Such an agreement should not be ex post facto. The football players on the team at West Point now would not be affected and only those varsity players who go to West Point from colleges in the future would be affected. If they played one year at college they could play three years at West Point; if they played two years in college they could play two years at West Point, and I submit that is a fair, honest, and democratic compromise.

I hope the members of the Military Affairs Committee and of the Naval Affairs Committee will use their influence to bring it about so that the two service academies will play next year.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for one additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. McCLINTIC of Oklahoma. If I understood the gentleman correctly, he made the statement that they ought to be made to play. I do not think the gentleman wants that to go into the Record and leave the impression that we ought to try to force them to play by legislation, because, if we did, then it might destroy that fine loyalty and fine patriotism which always exists between college teams. I am not willing to go that far with the gentleman. I have played football in a small way on a college team, and I know the spirit that exists; so I hope the gentleman will not let that statement remain in the Record in its present form.

Mr. FISH. Well, let us change the word "made" to "urge," but let us agree on this, that the disagreement between the two service academies is childish and puerile and they ought to put their own houses in order and get together on a compromise basis and play football. The midshipmen want to play and the cadets want to play, but only a few officers are unwilling to let them get together. I hope that a satisfactory compromise may be reached and that the two service academies may come to a fair settlement of their difficulties immediately, so that they may resume football relations and fight it out on the football field next year. [Applause.]

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Chairman, as I view the situation between the Army and the Navy, I am willing to go a little further than the gentleman from New York. He suggests that in the interest of democracy your boys and mine, who are appointed to the Military Academy, should have an equal opportunity with the big football stars. The gentleman from Nebraska inquired as to whether the football game was driving drilling off the field. That is not quite correct. He would not go a half block to see a drill, but we would go 150 miles to see an Army-Navy football game. Football is the spectacular element at both of our military academies.

However, what impresses me most seriously in connection with their inability to get together is the fact that the Military Academy at West Point is the only first-class institution of learning in the United States that refuses to play under intercollegiate rules. It wants to play football with Harvard, Pennsylvania, Notre Dame, and others. It wants to compete not only at football but also at basket ball, swimming, rowing, field events, and everything else, but it stands out and says, "Because we are a military organization belonging to the United States Government we insist upon making our own rules, be they ever so detrimental to you and your university or your college." They want to play with Notre Dame. A game with Notre Dame would bring to the Military Academy athletic fund anywhere from \$55,000 to \$80,000 in a day. That money is expended on other academy athletics, like rowing, swimming, and boxing, from which not a dollar is made. Of course, football is the big thing, but when the Military Academy plays Notre Dame it says, "Oh, no, Notre Dame; we will not play under intercollegiate rules. We are a military organization; we belong to Uncle Sam; we insist upon your playing under our rules, and we do not recognize your intercollegiate rules." Yet those rules are recognized by all of the colleges in the United States and, to my mind, that is an autocracy that should not be permitted a single day.

I have talked with high ranking officers from West Point and elsewhere and they say to me, "Why, Mr. BRITTEN, if we played under intercollegiate rules we could not win a game." Well, if

the winning of games is all important, why not wholly professionalize athletics at West Point? Army stars would be debarred from playing on any first-class university team. If true sportsmanship must be sacrificed in order to win games, then I suggest that the Army team stop playing entirely.

Mr. FISH. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. FISH. They played under intercollegiate rules for a good many years and they won a great many more games than they have in the last few years.

Mr. BRITTEN. That was before the eligibility rule was adopted by all the colleges. They say they can not win because their academy is small. It is true that there are fewer men at West Point than there are at Notre Dame, Pennsylvania, or some of the other big universities, but the other universities do not select their men as rigidly as they do at West Point. The physical test at West Point is very high, as you all know. A man to enter West Point must have good eyes, and unless he has good eyes, ears, teeth, feet, hands, and head, you know just as well as I do, he is not accepted. The men who enter West Point must pass an almost perfect physical test. Do these conditions apply at Harvard, at Yale, or at any of the other big colleges? Of course, they do not.

Then we have what the gentleman referred to a little while ago, besides the drills, a lot of outdoor sports, such as horseback riding, rowing, swimming, and every other kind of sport that makes men strong, agile, and quick thinkers. This is what military life does. It also makes them amenable to discipline. They follow orders very accurately and quickly, and I say that West Point and Annapolis ought to defeat the football team of any university in the United States, for this reason alone, if for no other.

Mr. DARROW. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. DARROW. Does not West Point also have the advantage of two years in the age limit to offset the number of students there?

Mr. BRITTEN. They do in comparison with the Naval Academy, but that is another matter. A difference of 2 years in age in boys of 18 and 20 means that they are that much larger and stronger and keener and more alert, not only in athletics, but in every walk of life. This is true as applied to the Naval Academy. The Naval Academy has adopted intercollegiate rules, and so should the Military Academy; and until they do the Army will be accused of having an autocracy that no other institution in the United States possesses.

Mr. HALE. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HALE. Who is responsible for the fact that they have not adopted intercollegiate rules? Is it the War Department or the West Point Athletic Association or some officer at the academy?

Mr. BRITTEN. I think there were a number of things that have led up to it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. There are a number of reasons that brought about the existing conditions, and I am sorry to say that the officers in the Naval Academy were responsible for the break. I think the manner in which Admiral Nulton broke the contract and severed athletic relations with West Point was indefensible. I think his manner was most unfortunate. We on the Naval Affairs Committee were inclined to stand by him, because we will almost always stand by the Navy, right or wrong, and I think we should; and I will tell you why we stood by the Navy. The Naval Academy had adopted intercollegiate rules because it was playing with colleges all over the United States, and when the Naval Academy did this I think the Military Academy should have done the same thing of their own accord without being pressed to do so by the Naval Academy. This is the reason we stood by the Naval Academy, but I think the manner in which the thing was presented by the then Superintendent of the Naval Academy was wrong. He should not have acted the way he did.

But I am not talking now about the game between the Army and the Navy, I am talking about the position of the academy in all athletics, not only football, but swimming, rowing, boxing, and every other kind of athletics.

I think if West Point wants to play with Harvard or wants to meet some other big university in athletic competition of any kind, West Point should adopt the intercollegiate rules adopted by all the colleges of the United States, and simply because it is a Government institution it should not put on its high hat and its epaulets and its gold braid and say, "Oh, no; we insist upon your playing according to our rules. We do not play according to your intercollegiate rules. It is true we want to play you because Notre Dame will give us 48,000, Stanford will give us 50,000, Harvard or Yale will net us 90,000 and we need the money for our athletic fund, but you must play according to our rules. We do not recognize your rules. We are a Government institution." The Army mule is a stubborn bird.

It is just the same old story of the Army high hat, and I think it is all wrong. [Applause.]

The Clerk read as follows:

Office of the paymaster, \$43,980.

Mr. FRENCH. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 43, line 8, strike out "\$43,980" and insert in lieu thereof "\$50,100."

Mr. FRENCH. Mr. Chairman, the small item of increase that is involved in the amendment is to provide pay for four civilian employees who will take the place of enlisted men who have been detailed to the Marine Corps. It seems desirable that these enlisted men be drawn into the service, in fact, they are already there, and their places ought to be taken by civilians and this will provide the small amount necessary for their compensation. The amendment was agreed to.

The Clerk read as follows:

#### ALTERATIONS TO NAVAL VESSELS

For completing the alterations and repairs required for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, as authorized by the act entitled "An act to authorize alterations and repairs to certain naval vessels," approved February 25, 1929, \$7,400,000, to be allocated in equal amounts to each vessel and to be available until expended.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 46, add to the end of the paragraph at the bottom of the page the following:

"Provided, That no part of this appropriation shall be expended for the purpose of modernizing battleships unless it can be shown to the satisfaction of the President that the two battleships modernized at a cost of more than \$10,000,000 and scheduled to be scrapped by the terms of the London conference are not suitable to be retained as a part of the fleet."

Mr. FRENCH. To that, Mr. Chairman, I reserve a point of order.

Mr. McCLINTIC of Oklahoma. Mr. Chairman, I thank the gentleman for his courtesy. Much has been said about the desire of the committee to save money, and we had quite a discussion about the splendid business judgment they had used with reference to the construction of the dirigibles.

If I am correctly informed we have modernized two battleships now scheduled to be scrapped by the proposed terms of the London treaty if it is agreed to. If so, the effect of this amendment would be to allow these two ships to be retained instead of two that are now scheduled to be modernized at an expense of approximately \$12,000,000.

Mr. FRENCH. Mr. Chairman, if the gentleman will yield, I will say that if a reasonable way could be found to utilize the two ships that are scheduled to be scrapped under the London treaty in place of these, and the efficiency of the Navy could thereby be conserved, it would be good business so to do. But I do not think that can be done. The three ships which the treaty provides must be withdrawn from the Navy Establishment are old ships. It is true that we have already expended quite an amount of money for modernizing those ships, but they are not equal to the *Arizona* and *Pennsylvania*. Again the work on the *Arizona* and *Pennsylvania* is going on; the work is nearly half done. The appropriation in the bill is designed to complete the work already on the way.

Mr. McCLINTIC of Oklahoma. In a sense the position of the gentleman is the same as many took at the conclusion of the war, when it came to fulfilling contracts. Some contracts were



not quite fulfilled, but the Government went ahead and fulfilled them when it was known that the money was to be wasted.

Mr. FRENCH. The gentleman must recall also that in the treaty specific ships are named that are to be subtracted from the list. We do not have it in our power or authority to substitute new ships for the two being modernized.

Mr. MCCLINTIC of Oklahoma. Mr. Chairman, I withdraw my amendment with regret, as I would like to stop such wasteful expenditures that will not be of benefit to the Navy.

The CHAIRMAN. The amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

#### INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$38,800,000, to remain available until expended: *Provided*, That of the appropriations contained in this act under the head of "Increase of the Navy" there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, including the purchase of plans and the employment of additional clerks, draftsmen, technical employees, and laborers (not to exceed \$20,000), owing to the construction authorized by the act of February 13, 1929, including not to exceed \$12,400 for personal services in the Navy Department.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. JONES of Texas: Page 47, line 14, after the word "department," insert a new paragraph, as follows:

"Section 202 of title 34 of the Code of Laws of the United States of America, relating to the discharge of minors under 21, is hereby amended by striking out of line 4 the words 'sixty days' and inserting in lieu thereof the words 'six months.'"

Mr. FRENCH. Mr. Chairman, I reserve the point of order.

Mr. JONES of Texas. Mr. Chairman, this would make the identical provision apply to the Army, the Navy, and the Marine Corps. The Army provision is exactly the same as the Navy provision, except that in the Navy where a minor has enlisted without the consent of his parents or guardian the application for his discharge must be made within 60 days. In the Army the change has been made so that the application may be made within six months from the date of enlistment. This amendment makes no other change in the law. The matter was submitted by special bill which I introduced and the Naval Affairs Committee reported it unanimously. The House passed the bill, which allowed six months within which to make application. This was in a previous Congress, but the bill died in the Senate with a number of other bills.

Mr. HASTINGS. And this only makes it uniform?

Mr. JONES of Texas. This only makes it uniform in the two services. Of course, if they have the written consent of the parents or guardian, this law would have no application. It is only in cases where minors have enlisted without the consent of the parents or guardians that this applies. This would make it six months within which the application could be made for a discharge, whereas at present it is only 60 days. Frequently a minor may enlist and the parents will not be familiar with where he is, or where the service is, within the period of 60 days. I can see no objection to making the two services uniform. I am sure the Navy has no desire to take charge of minors under 21 years of age where their parents or guardian did not consent to that service. That is the rule in commercial life. The parents and the guardian have control of minors' services until they are 21 years of age. In view of the previous action of the House, I think the committee should accept the amendment.

Mr. FRENCH. Mr. Chairman, a year or so ago when this same question arose I indicated to the House something of the thought in connection with the application of the principles to the Navy, which differentiates the proposition now suggested from the application of the same principle to the Army. After enlisted men in the Navy go through a period of training at one of the training stations they are sent to a ship, possibly to the other coast, or to Hawaiian waters, or the Far East. It could well be, and it has been suggested, that some times parents have been quite willing to wink at the matter of enlistment until such time as the boy may find himself over in a section of the world remote from where he enlisted, and then under the terms of the proposed amendment be entitled to discharge and a return home.

Mr. VINSON of Georgia. Mr. Chairman, would the gentleman from Idaho have any objection if the time limit was fixed at three months? It requires approximately 90 days to train these boys at the training stations before they are sent out on ships. If during that period of 90 days it develops that a minor has enlisted without the consent of the parents or guardian and is discharged, it would entail no additional expense to the Government to have him discharged at that time. I agree with the gentleman that after they have been trained and then go to stations all over the world, to discharge them would entail a great deal of expense to the Government in bringing them back. However, the probable period of training in the various training stations is not over 90 days, and if the time were changed to 90 days it would give them that time in which to be discharged. I think six months is too long. I think 90 days would be all right and give ample opportunity for these boys who enlisted without the consent of the parents to be discharged and without any extraordinary expense to the Government.

Mr. FRENCH. Mr. Chairman, the same principle exists to which I referred, though under the proposed amendment no such abuse could occur. However, it seems to me that a problem that is so important as this, and I recognize that it is an important problem, ought to have the attention of the department, and of the legislative committee, when the committee may have opportunity to have officers of the department before it.

Mr. VINSON of Georgia. This identical question was passed on by the House and by the committee. The House passed the bill making it six months. I think three months is better than six months, and I suggest to the gentleman, in view of the fact that the principle has been recognized by our committee, that he agree to permit this to go in the bill, even though it is legislation on an appropriation bill, and make the period three months.

Mr. JONES of Texas. I think it would save any further discussion.

Mr. VINSON of Georgia. Of course, it is subject to the point of order.

Mr. FRENCH. Mr. Chairman, for the present I feel compelled to make the point of order that it is legislation on an appropriation bill.

The CHAIRMAN. The amendment plainly shows on its face that it changes existing law, and is, therefore, legislation on an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

#### CONTINGENT EXPENSES

For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books and photostating, for department library; for purchase of photographs, maps, documents, and pictorial records of the Navy, photostating and other necessary incidental expenses in connection with the preparation for publication of the naval records of the war with the Central Powers of Europe; for stationery, furniture, newspapers (for which payment may be made in advance), plans, drawings, and drawing materials; purchase and exchange of motor trucks or motor delivery wagons, maintenance, repair, and operation of motor trucks or motor delivery wagons; garage rent; street-car fares not exceeding \$500; freight, expressage, postage, typewriters, and computing, check-writing and check-signing machines and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, \$104,100; it shall not be lawful to expend, unless otherwise specifically provided herein, for any of the offices or bureaus of the Navy Department in the District of Columbia, any sum out of appropriations made for the naval service for any of the purposes mentioned or authorized in this paragraph: *Provided*, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931.

Mr. BRITTEN. Mr. Chairman, I make a point of order against the proviso on page 53, beginning with line 19. I will reserve my point of order in order to ask a question of the chairman of the committee. The question is, Was that language inserted in the bill at the request of the Navy Department?

Mr. FRENCH. I beg leave to say that the language was inserted by the committee.

Mr. BRITTEN. Was it inserted in the bill at the request of the Navy Department?

Mr. FRENCH. No; not at the request of the Navy Department.

Mr. BRITTEN. Then, Mr. Chairman, I shall make the point of order on the proviso, because it is new legislation on an appropriation bill and is not germane to the entire subject matter presented.

Under this proviso, \$100,000 or \$200,000 or \$300,000 may be expended by the Secretary of the Navy for the purchase of mechanical equipment, provided that that amount of money has been unexpended from the salary account in the Navy Department. The salary account in the Navy Department runs into many, many millions of dollars. This is a new provision in the bill.

It is easy, of course, to understand its intent. Its intent is that where money in the salary account has been saved from one source or another, that saving may be used for the purchase of mechanical equipment. It may mean a typewriter, or adding machine, or a mimeograph, or whatnot. I think the Navy Department should be consulted when legislation of the importance of this particular proviso is to be inserted in an appropriation bill.

It will do a number of things. It will prevent the saving of a dollar in the appropriations for salaries in the Navy Department. For instance, I can see where anywhere from \$100,000 to \$500,000 could be saved from the salary account of the Navy Department in one year. Under this proviso, that sum of money could be, and would be, expended by the Secretary of the Navy, and he can have it charged to this so-called salary saving.

I think the proviso is subject to a point of order because it is not germane, and it is also legislation on an appropriation bill. I make the point of order against it.

Mr. FRENCH. Mr. Chairman, before discussing the merits of the proposition itself, I suppose I should address myself to the point of order. The language to which the point of order is made is—

*Provided, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931—*

In other words, we make appropriation for a specific purpose from any balances that may accrue from any saving during the current year such as that to which I have referred.

If the gentleman from Illinois will turn to the code, title 2, section 634, under the paragraph which is headed "Appropriations for Navy Controlled by Secretary; for Bureaus Kept separately," he will find this language:

All appropriations for specific, general, and contingent expenses for the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriations for each bureau shall be kept separate in the Treasury.

It seems to the chairman of the subcommittee that there can be no question that under the authority of the statute itself the committee has authority to direct the expenditure of the money in the way indicated.

The CHAIRMAN. Will the gentleman cite the number of the statute?

Mr. FRENCH. Title 31, section 634.

I should conclude my statement, Mr. Chairman, by saying that this language does not impose any additional duty upon the Secretary of the Navy.

Mr. BRITTEN. Mr. Chairman, I would like to answer the argument made by the gentleman from Idaho [Mr. FRENCH] on the point of order.

Let me call the attention of the Chair to the language of the chairman of the subcommittee. The gentleman said, "We make a direct appropriation."

Of course, this proviso is in no sense a direct appropriation. The gentleman from Idaho [Mr. FRENCH] also said in reading the law, that all appropriations under that act shall give the Secretary authority, under specific directions, for the expenditure of money in the department. There is nothing specific in this proviso. It is a very general piece of legislation which will permit the Secretary of the Navy to expend any amount remaining unexpended in the salary account and to buy anything that he deems may prove to be a labor-saving device. There is no specific appropriation, and there is no specific direction to the Navy Department.

Mr. FRENCH. I submit, Mr. Chairman, that the language carried in the proviso is well within the language to which I cited the Chair, namely, title 31, section 634.

Mr. BRITTEN. I recall the language. The language refers to specific appropriations and expenditures. The language in the proviso is quite general and is not specific at all.

Mr. FRENCH. The language which I cited is as follows:

All appropriations for specific, general, and contingent expenses of the Navy Department.

This is an item carried under the head of "Contingent expenses" and refers to the expenses authorized in the language of the statute to which I have referred.

Mr. BRITTEN. But is in no sense a specific appropriation. It says, "Mr. Secretary, in the event you have \$50,000 or \$100,000 left in your salary account for the Navy Department, you may expend that money for something which you conclude is a labor-saving device." There is nothing specific about that.

The CHAIRMAN (Mr. HOCH). The Chair is ready to rule.

The gentleman from Illinois [Mr. BRITTEN] makes a point of order against the proviso on page 53, beginning on line 19:

*Provided, That any unexpended or unobligated balances under appropriations for salaries in the Navy Department for the fiscal year 1930 may, with the approval of the Secretary of the Navy, be expended for the purchase, exchange, or rental of labor-saving devices during the fiscal year 1931.*

It appears to the Chair that the question here is whether this provision which authorizes the Secretary to expend during the fiscal year 1931 certain unexpended balances from appropriations for the fiscal year 1930 imposes a new duty upon him and would therefore constitute legislation not in order on an appropriation bill.

The gentleman from Idaho [Mr. FRENCH] has cited the Chair to a provision of law under which it appears that the various appropriations, general, specific, and contingent, for each bureau in the Navy Department must be kept separate in the Treasury. That being the present law, it seems to the Chair that there would be nothing within the discretion of the Secretary to determine as to whether there was any unexpended or unobligated balance in any appropriation item after the close of the fiscal year 1930. In other words, it would be merely a question of fact disclosed by the books of the Treasury Department. Therefore, this language imposes no new duty on the Secretary as to determining whether there does in fact exist any unexpended balance in the appropriation for salaries for the fiscal year 1930. After the beginning of the fiscal year 1931 it will be a known fact whether such unexpended balances exist.

Now, as to whether it is in order on this appropriation bill to appropriate any unexpended balances out of items in the appropriations for 1930, the Chair thinks it is in order to do that. If the purpose is one for which there is authority of law, it is as much in order to appropriate for the purpose out of an unexpended balance as it would be to make an entirely new appropriation. The Chair does not understand that any question has been raised as to the right to appropriate money, to be expended by the Secretary, for the purchase of labor-saving devices. If this would be in order as an entirely new appropriation, it is in order out of an unexpended balance.

The Chair is of the opinion, therefore, that this is an appropriation for a purpose authorized by law, is not new legislation on, and overrules the point of order.

The Clerk completed the reading of the bill.

Mr. VINSON of Georgia. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. JONES] may be permitted to offer an amendment in line 14, on page 47.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to line 14, page 47, for the purpose of offering an amendment. Is there objection?

Mr. FRENCH. Mr. Chairman, I reserve the right to object, and I reserve a point of order against the amendment. This is the question which the gentleman raised a bit ago, and to which I directed a point of order. In the first place it does not belong in the paragraph bearing upon increase of the Navy. If adopted at all, it should be adopted in connection with the transportation, pay, and subsistence of the enlisted personnel, appearing on pages 26 and 27, and could properly follow line 7 on page 27.

Mr. VINSON of Georgia. Mr. Chairman, I modify my request to that extent.

Mr. FRENCH. The amendment has been modified so as to provide that instead of the enlisted men being granted the privilege of being discharged within a period of six months that they be granted the privilege of being discharged within a period of 90 days. It is written in such a way as to conform to the law pertaining to the Army, with the exception that



in the case of the Army the provision is 60 days instead of 6 months, as originally introduced. In view of the circumstances I shall not object if the gentleman will permit it to be inserted on page 27, following line 7.

Mr. VINSON of Georgia. Mr. Chairman, I modify my request to that extent.

Mr. OLIVER of Alabama. I want to ask the gentleman from Texas if in preparing his amendment he followed the language I have called to his attention?

Mr. JONES of Texas. My amendment simply strikes out 60 days and inserts 90 days.

The CHAIRMAN. The gentleman from Georgia modifies his request and asks unanimous consent to return to page 27 for the purpose of offering an amendment after line 7. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Chairman, reserving the right to object, I desire to inquire whether the granting of this request will seriously delay the completion of action on this bill? I noticed that early this afternoon the committee was very anxious to proceed with and complete the consideration of the bill.

Mr. VINSON of Georgia. Is the gentleman addressing his inquiry to me, to the gentleman from Idaho, or to the Chairman of the Committee of the Whole?

Mr. SCHAFER of Wisconsin. To the Democratic members of the committee reporting the bill.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk read the amendment, as follows:

Page 27, line 7, insert a new paragraph, as follows:

"Section 202, Title XXXIV, of the Code of Laws of the United States of America, relating to the discharge of minors under 21, is hereby amended by striking out of line 4 the words '60 days' and inserting in lieu thereof the words '90 days.'"

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. LAGUARDIA. Mr. Chairman, reserving the right to object, is the gentleman amending permanent law?

Mr. TABER. Mr. Chairman, if we are going to have that kind of an amendment I shall make a point of order against it, because you must have the language of the section inserted exactly as it is.

Mr. LAGUARDIA. I am very anxious to have this amendment adopted, but in an appropriation bill you can not amend an existing statute by simply making a reference to it, and I will tell the gentleman why. You would never have it before you in any of the textbooks and in any of the statutes. Why does not the gentleman simply provide that hereafter, and so on?

Mr. JONES of Texas. I was trying to avoid recopying the whole law, but that can easily be done.

Mr. VINSON of Georgia. While the amendment is being perfected, may I ask the gentleman from Idaho with reference to the pay bill?

As the gentleman is the ranking member on the committee considering the pay bill, can he give us some information as to the likelihood of the committee considering the matter of increased pay for the Navy, Marine Corps, and the other branches of the Government at this session of the Congress.

Mr. FRENCH. The members of the committee, I should say, are giving very serious attention to the subject. We have assembled a great deal of data. We have held meetings and we are studying the question as individuals, and while I am not able to indicate what the committee may do, I beg to assure the gentleman we are giving serious consideration to a subject that involves so much as does the pay question pertaining to all the different services.

The gentleman will recall that the proposed bill worked out by the joint pay board, if enacted into law, would carry \$86,000,000 in round figures additional to what the pay provisions for the different services carry under existing law. The study of a bill that carries such calls upon the Treasury means tremendous responsibility, and therefore requires the greatest study and care upon the part of Members who have been charged with making a report.

Mr. OLIVER of Alabama. I think perhaps it would be proper, however, at this time to say to the gentleman from Georgia that Senator JONES, who is the chairman of the joint committee, has stated that he would probably call the committee together within the next three or four days; and Senator REED,

who has been absent for some time, is now back. I imagine this has contributed somewhat to the delay in considering the matter by the committee.

Mr. FRENCH. Senator JONES, the chairman of the committee, and I were talking about the matter within the last day or so, and he indicated it was his intention to have another meeting of the committee very shortly.

Mr. LAGUARDIA. Mr. Chairman, I want to say to the gentleman from Idaho that I hope the gentleman will not raise a point of order on the amendment about to be offered by the gentleman from Texas, because we have had a great deal of trouble in the larger cities caused by the zeal of recruiting officers in enlisting youngsters, mere boys, 15 or 16 years of age.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to return to page 27, line 7, so that the gentleman from Texas [Mr. JONES] may offer an amendment. Without objection, the amendment will be reported for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 27, after line 7, insert a new paragraph, as follows:

"Section 202 of title 34 of the Code of Laws of the United States of America relating to the discharge of minors under 21 is hereby amended to read as follows:

"202. Discharge of men under 21: Upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary within 90 days after the date of his enlistment, any enlisted man in the naval service, including the Marine Corps, under 21 years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience." (May 28, 1924, c. 203, 43 Stat. 194; Mar. 4, 1925, c. 536, sec. 19, 43 Stat. 1276.)

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. OLIVER of Alabama. Reserving the right to object, I would like for the House to understand that the committee reserved a point of order on this amendment so as to prevent legislation on an appropriation bill, but since it is evident that the House desires the amendment adopted, the committee will not insist on the point of order, but will leave this for others to do if anyone now wishes to make the point of order. In talking with the Navy Department I found that they were not opposed to the amendment, which seeks to extend the time from 60 to 90 days.

Mr. FRENCH. It has been so intimated to members of the committee since the debate began, and I shall not object.

Mr. TABER. Mr. Chairman, I would like to ask if the Committee on Naval Affairs is satisfied to have this done?

Mr. VINSON of Georgia. I will say to the gentleman that so far as I am concerned, a similar bill dealing with this question was reported by the committee and passed the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. JONES] offers an amendment, which the Clerk will report.

The Clerk again reported the Jones amendment.

Mr. LAGUARDIA. Mr. Chairman, I move to amend the amendment by striking out the references in parenthesis.

Mr. JONES of Texas. I accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Strike out the matter included in the parenthesis.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Texas [Mr. JONES] as amended.

The question was taken, and the amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12236) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other

purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### THE FLEXIBLE-TARIFF PROVISION IN THE HAWLEY-SMOOT BILL

Mr. TUCKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the flexible feature of the pending tariff bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TUCKER. Mr. Speaker, this provision is one of the most important, in my judgment, that has ever been before the Congress of the United States and is an attempt practically to remove the power to make tariff laws from the Congress of the United States to the President of the United States; and therefore it is important that we should examine the powers of Congress which apply to this question.

In Article I, section 1, of the Constitution, we find—

All legislative powers herein granted shall be vested in a Congress of the United States.

A legislative power in its final analysis is a power "to make laws"; so that the power to make a tariff law would necessarily be vested in the Congress of the United States. To make this specific, in Article I, section 8, we find—

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

So that the generic proposition laid down in Article I, section 1, that the Congress shall possess all legislative powers is made more specific by Article I, section 8, that chief among these powers shall be the power to lay and collect taxes, duties, imposts, and so forth. These two clauses would seem specifically to eliminate any other than the Congress from any power to lay and collect taxes and duties, and this power is limited, or more properly speaking may said to be expanded, by the provision found in Article I, section 8, clause 18.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

That is, in the levying of duties for a tariff Congress is enabled to pass any necessary and proper law for carrying into execution the power to lay and collect duties, but mark the words "necessary and proper." The word "necessary" has been construed by the courts to mean not the only remedy that could be devised, but any one of many suitable remedies may be adopted, and the word "proper" has been defined to mean "bona fide appropriate to the end"; and therefore a law intended for this purpose which undertakes to change the powers vested by the Constitution of the United States in the President would not be a bona fide appropriate law, but, on the contrary, would be an improper law because it would seek to change the Constitution itself. If the Constitution requires that Congress alone may lay and collect taxes and duties, and provides also that all legislative powers shall exist only in the Congress, any law that undertook to change those fundamental provisions of the Constitution would be grossly improper and unconstitutional.

Now, Article II, section 1, of the Constitution provides—

The executive power shall be vested in a President of the United States of America.

His powers are, therefore, executive alone; that is, not to make laws but to execute the laws when made, and other powers not strictly executive with which the President is endowed are conferred upon him in Article II; and the grant of such powers to the President is necessarily the exclusion of all other powers which are not executive in their nature. His exclusion from the exercise of legislative power is indicated in Article II, section 3, where it is said:

He shall from time to time give to the Congress of the United States information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

As the titular head of the Government, requiring him to be familiar with the wants and needs of the people, he is allowed under this section to recommend to the Congress such measures as he may deem expedient. This grant of power to the President is practically a denial to him of a right to participate in legislation which alone rests with the Congress of the United States. So that when it is proposed that the President shall take part in legislation in the passage of a flexible tariff bill it seems clear that he can not do so under the Constitution if his action constitutes taking part in the making of law which by the Constitution rests alone in the Congress. An examination, therefore, of this question involves the proposals made in the pending bill showing exactly what is required of the President in the making of this flexible provision.

In H. R. 2867, Seventy-first Congress, second session, printed January 6 (calendar day March 24), 1930, on page 346, we find (1140) (sec. 336, equalization of competitive conditions) as follows:

(a) Change of classification or duties.—In order to put into force and effect the policy of Congress by this act intended, the President shall investigate the differences in conditions of competition in the principal market or markets of the United States between domestic articles and like or similar competitive imported articles. If the President finds it thereby shown that the duties expressly fixed by statute do not equalize the differences in such conditions of competition in the principal market of the United States between a domestic article and a like or similar competitive article imported from the principal competing country, he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute, as in his judgment are shown by an investigation to be necessary to equalize such differences. In no case shall the total increase or decrease of such rates of duty exceed 50 per cent of the rates expressly fixed by statute.

How do these duties in the above paragraph put upon the President meet the constitutional requirement that Congress alone shall have power to lay and collect taxes and duties? Can Congress, by law, put upon the President a duty inconsistent with his constitutional obligations to execute the laws? The object of Congress is thus seen to be to make the tariff duty such as will cover the difference between the "conditions of competition" in foreign countries and America; a proposition involving almost infinite lines of investigation, involving questions of economics, climate, race, natural resources, transportation, and political proprieties, and so forth; indeed there is scarcely a limit to the subjects, incident to such investigation and such legislation, which is not by these words put upon the President; and when finally he has arrived at his conclusion he is not required to send that conclusion to Congress, the legislative branch of the Government, but he is directed to eliminate the duty which has already been laid by Congress and to repeal that duty and proclaim a new duty which he thinks in equity and justice should be laid. Is not that taking part in legislation? The argument is frequently made that the President, on the occurrence of a certain event or on the finding of certain facts, by his proclamation simply brings into existence a duty already determined by the Congress, when in fact the language is clear that by his proclamation he first abolishes a duty which Congress had already made and then substitutes a duty which he thinks, under his investigation, should be made. Could the President repeal a law he had no authority to make? Hear the language of the provision:

If the President finds it thereby shown that the duties expressly fixed by statute [Congress] do not equalize the differences in such conditions of competition \* \* \* he shall proclaim such changes in classification or such increases or decreases in rates of duty expressly fixed by statute as in his judgment are shown by investigation to be necessary to equalize such differences.

This language shows beyond peradventure the power of the President to change the duty levied by Congress; it is not a ministerial act of his, declaring that the time has come when an embryo duty lying patiently waiting for the call of its master shall spring from its resting place fully clad, and panoplied in the armor of congressional sanction, for his proclamation repeals the rate made by Congress and substitutes one of his own. It is one thing to say that on the happening of a certain event which is to be proclaimed by the President a duty which the Congress has levied shall become effective, and a very different thing that the President, after investigations of his



own, is to have the power to uproot and destroy the duty which Congress has levied, without referring his reasons or investigations which led to his conclusion to the Congress that alone can make or change laws.

The language of this bill defining the duties of the President in this matter are fatal to its validity. If the acts required of the President by the bill required a ministerial act which was to hold in abeyance a law passed by Congress until the proclamation of the President declaring the existence of certain conditions, that might not be so objectionable; but here it is seen, in the first place, that it is not a mere ministerial act that is put upon the President but it involves what constitutes a part—a large part—of the legislation by Congress. It is a long, tedious task assigned him, and practically it has been found by experience to be an impossibility to determine, with the accuracy which the law requires, the difference between the "conditions of competition" in the two countries; and after putting this impossible task upon him he is directed, in his proclamation, to abolish the duty passed by Congress and make his own duty; to put the article on the free list or increase the duty on it.

In both instances he is helping very materially to make the law and in the one case he is practically given the power to abolish the law which the Constitution has said can only be made or abolished by the Congress of the United States. It is an infamous provision. If the President in this provision defining his work had been required to make the investigation, difficult and impossible, as it might be, to show the difference between the cost of production in this and a foreign country of a specific article, and had been required after ascertaining the facts and coming to his conclusion to report those findings to the Congress of the United States, whose sole duty it is to legislate, and to exercise his constitutional power as given in Article II, section 3, that—

He shall \* \* \* recommend to their [Congress] consideration such measures as he shall judge necessary and expedient—

the proposition would conform to the Constitution and be harmless.

The principle has been most accurately stated by Judge Ranney, of the Ohio Supreme Court, in *Railroad Co. against Commissioners* (1 Ohio State 77, 88), where he says:

The true distinction, therefore, is, between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

Tested by this statement of Judge Ranney it is seen that the President is involved in making the law, because in his investigations there is full discretion as to what the law shall be, determined by how that discretion is used and applied, and there is no conferring of authority on the President in this language to execute the law after it is passed, but he is required to help make the law, and then execute what he, and not Congress, has made.

The provisions in this bill on this subject amount to this: That when a certain condition of facts is found by the President to exist the bill provides that a change in the tariff is to take place. Now Congress as the legislative branch of the Government makes that provision. But what are those facts upon the occurrence of which this change is to be made? They are facts which have been arrived at by a long and patient investigation by the President of conditions in this country and in a foreign country, and he finds as a result of his investigation—and it must be added that the President might be anxious to bring about the existence of those facts in the interest of high tariffs—that these facts do exist, then *ipso facto* the duty that had been enacted by Congress ceases, and the President makes such duty as in his judgment is proper under the limitations that it must not be over 50 per cent of the original duty.

And, secondly, the facts ascertained by the President that permit him to change the duty to the extent of 50 per cent of it, either upward or downward, make the final fixing by the President of a duty within the 50 per cent limit the law of the land without the action of Congress. The fact that the President has the right anywhere within that 50 per cent of the duty to make a choice of the duty he will select clearly denies to Congress the power to fix the duty and gives it to the President. If the bill declared that the President on the happening of any event might make a certain duty as he saw fit, no one would uphold it, for clearly that would be the surrender by Congress of its obligation to legislate, an open attempt to place that right in the hands of another.

When the President is ready to make his proclamation after having made his investigation under the provisions of this bill, what does he find? First, that as to the subject upon which a change is desired, a certain duty has been levied by the Congress on that article. Second, that he is given the power to change that duty, up or down, to the extent of 50 per cent of the duty levied in the bill. Third, if he raises the duty 10 per cent, or 20 per cent, or 30 per cent, or 40 per cent, or 50 per cent, certainly the duty on that article has been changed, but not by Congress, and the "conditions of competition" which induce him to raise the duty 10 per cent, of course, are different from those when he raises it to 20 or 30 or 40 per cent; and is not the adjustment of these per cents of duty to the "conditions of competition" which he finds nothing more or less than legislation? Is not that the process by which Congress itself determines the rates? Fourth, the provision in this bill in allowing the change within 50 per cent of the original duty to be made by the President is a clear, open attempted delegation of the taxing power by the Congress to the President, which is unconstitutional and void.

The attempt of Congress in this bill to make the President its agent to make tariff duties must fail, since the Constitution has given all legislative powers to the Congress and Congress can not delegate them to any other; and if that were not true and Congress had the power to make laws by and through an agent, this provision would be equally futile, since the President, under the Constitution, has only executive powers, not legislative, and Congress can give him no others.

The Supreme Court in the case of *Hampton & Co. v. United States* (276 U. S. 395), through Chief Justice Taft, has held section 315 (a) of Title III of the tariff act of September 21, 1922, valid and constitutional. The legal and constitutional principles which I have attempted to discuss in this paper conform generally to those of the Chief Justice in his opinion. It is not, therefore, so much a difference in constitutional construction as in the application of those principles to the facts in the case, and undoubtedly the provisions which we are discussing to-day in this bill, in the powers given to the President, are far more complicated than those in *Hampton & Co. v. United States*, *supra*, and involve much broader and more complicated legislative powers to be conferred upon the President than those in the above case. But even if the *Hampton* case was on all fours with the present, of course the decision of the court would not be binding on the Member of Congress, because in matters of legislation his oath to support the Constitution requires him to make that decision bound by no other consideration than his own conscience. Of course, in determining whether the question is constitutional, a Member of either House of Congress must seek all the sources of light possible and give due weight to all opinions that may be found on the subject, and especially should this be done when the opinions of the highest court of the land are in question. And I oppose this bill, therefore, because in my opinion as a Representative of the people of Virginia it can not be accepted as constitutional.

Men and brethren, consider just for a moment what this question means. Three hundred years ago in England our forefathers met this proposition and settled it. The Crown, over years of gradual accretions of power, had come to demand as of right supplies from the timid Commons. The imperious Stuarts and Tudors were wont to say to the House of Commons, "Hurry up; hurry up my supplies, and then adjourn." It cost the head of one king and the removal of another to bring about this change. Arbitrary power and the power to control the purse strings of the nation is a combination so dangerous that all free people should fight the first steps of its approach. The separation of the three branches of the Federal Government and the preservation of the right of taxation and the control of the purse strings of the Nation by the House of Representatives are the plain guaranties of continued liberty. This bill would start a movement to destroy the power of the House of Representatives and magnify the executive power of the country, and every freeman, man and woman, without regard to political bias, should cling closely to the preservation of those fundamentals without which we can not exist as a free people, and I gladly welcome the defiant cry of the noble Senator from Texas, TOM CONNALLY, who announced he was ready to fight it out all summer if it took that time to defeat that infamous provision. The time for action has come. *Obsta principiis* is the doctrine of safety, and to hesitate now may be the surrender of the power of this House forever.

MR. HASTINGS. Mr. Speaker, I have heretofore made some remarks on the tariff bill and also the tariff on oil. I ask

unanimous consent to extend my remarks in the RECORD on both speeches.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### TARIFF ON OIL URGED TO PROTECT THE INDUSTRY FROM IMPORTATION OF OIL PRODUCED BY USE OF CHEAP LABOR AND FOREIGN MATERIALS

Mr. HASTINGS. Mr. Speaker, the theory upon which this tariff bill is sought to be justified is to protect the home market against the free importation of products or goods produced by cheap labor and material in foreign countries. This argument is presented in the report of the committee and is advanced by every member of the committee of the majority party responsible for framing this bill. It is urged that it is sought to equalize living conditions between the low-wage earners abroad and those demanding a higher standard of living in our own country. Then we should not discriminate against any home industry. With this formula presented by the committee and this yardstick used for measurement, we are entitled to present an argument for a tariff on oil.

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#### COAL INDUSTRY AFFECTED

Oil is the principal industry in a number of the States and is produced in 19 States. All other States producing coal, with which fuel oil comes in competition, are equally interested with the oil-producing States in a tariff duty to prevent the free importation of cheap oil into this country.

#### FARMERS BENEFIT BY OIL DEVELOPMENT

A tariff on oil is closely associated with relief legislation for the farmer, because the records show that there are about 330,000 oil wells in the United States, and every farmer and every landowner is interested in the oil industry, as well as the approximately 100,000 or more wage earners throughout the country employed by this industry.

My State of Oklahoma is very deeply interested in the production of oil. The total production of oil in the United States for the year 1928 aggregated 900,364,000 barrels, and for 1929 1,005,598,000 barrels. There were imported in 1928 into this country 79,766,672 barrels, principally from Venezuela, Mexico, Colombia, and Peru, and in 1929, 108,619,000 barrels.

The oil industry has been very greatly depressed during the past few years. The present price of oil in Oklahoma ranges from 60 cents per barrel for low-gravity oil to \$1.44 per barrel, making an average price of approximately \$1.02 per barrel. In 1925 the price ranged from \$1.35 per barrel for the low gravity to \$2.35 per barrel, or an average price of \$1.85 per barrel.

#### DIFFICULTIES OF CURTAILMENT OF PRODUCTION

Every effort has been made to relieve the depression in the oil industry. Acting under the auspices of the American Petroleum Institute, an association composed of oil producers, an effort has been made to curtail the production of oil to stabilize the price and prevent a further serious slump in the industry. Recognizing the depressed condition of the industry the President appointed four members of his Cabinet upon the Federal Oil Conservation Board, and the American Petroleum Institute has been cooperating with this board in an effort to find a method to prevent a further decline in the price of oil.

This board has not been able to cooperate in the curtailment of production because of an opinion by the Attorney General of the United States to the effect that it had no authority to act in the premises, and for the further reason that it would be necessary to have State legislation in those States producing the larger quantities of oil, and in addition would need the cooperation of foreign countries producing oil.

Another difficulty in securing an agreement for curtailment is found in the fact that there are 330,000 producing oil wells in the United States and the terms of lease agreements vary, many of them made years ago require continued operation and further development of leased areas.

There is always a deterioration in the curtailment or closing down of oil or gas producing wells, and this is particularly true as to the wells owned by the small producers. More than one-half of the oil produced is from the 327,000 wells of an average daily production of 4.7 barrels.

On March 12, 1929, a statement was issued from the White House that no further leases for oil would be made upon public lands and Secretary of the Interior Wilbur instructed all local land offices, through the Commissioner of the General Land Office, to receive no further applications for permits to prospect for oil and gas on the public domain and to reject all applications now pending.

Congress recognized the depressed condition of the oil industry by the act of Congress of March 2, 1929, which reduced the acreage of Osage Indian lands annually required to be offered for lease for oil from 100,000 to 25,000 acres.

With an adequate tariff on oil of \$1 per barrel it would protect the industry against the importation of 108,619,000 barrels imported into this country and would prevent further price declines. Why not reduce imports from abroad rather than be forced to curtail production at home?

The oil imported into this country comes principally from Venezuela, Mexico, Colombia, and Peru, and is produced by cheap labor and by the use of material imported from countries not protected by tariff duties, particularly with reference to steel which is imported from Germany.

Using the argument that a duty should be imposed upon those things produced by cheap labor, imports that come in competition with the goods produced in our own country by labor receiving higher wages, surely oil is entitled to come within that class.

#### TARIFF WILL BENEFIT SMALL INDEPENDENT PRODUCERS AND WOULD SAVE SMALL WELLS FROM ABANDONMENT

Of the 330,000 oil wells in the United States it is conservatively estimated that 327,000 of these produce on an average only 4.7 barrels per day. These figures therefore show the necessity for protection for the very large number of small producers throughout the United States, and of the interest which the farmer has in the land producing oil and gas.

Not only are the producers and the landowners interested in the oil industry but the people generally, not only in my own State of Oklahoma but for that matter throughout the country are vitally interested.

#### BENEFIT TO TAXPAYERS

Oklahoma has a gross production tax of 3 per cent of the value of oil produced in that State. In 1927 the tax collected by the State amounted to \$12,102,426. In 1928 the amount collected was reduced to \$10,268,787. The reduction in the amount of tax collected necessitated economies in expenditures by the State of Oklahoma, including the elimination of the contribution by the State to weak schools and measurably increased the taxes on all of the citizens of the State. What is true in Oklahoma is also true in the other oil-producing States.

Now, let us examine the relation of oil to coal: The cheap oil imported is largely used for fuel-oil purposes and comes in competition with the coal produced in this country. Four barrels of fuel oil are equal to a ton of coal.

The Association of Independent Oil Producers in Oklahoma have made a very careful study of the cost of production abroad as compared with that in our own country, and have urged in some resolutions that a duty of \$1 per barrel should be imposed on oil imported into this country. I submitted these resolutions to the Ways and Means Committee and invited attention to the facts collected and the statements made in the preamble of the resolutions, and I am appending them to my remarks. I invite the attention of the Members of the House to the conservative and carefully guarded statements made in the resolutions.

#### NO DANGER OF EXHAUSTION OF OIL SUPPLY

Answering the argument that is frequently advanced that it is necessary to import oil to conserve the oil supply in the United States, the United States Geological Survey in 1921 made an estimate of a total reserve of oil of 9,150,000,000 barrels. Since then new areas underlaid with oil-producing sand have been discovered and developed. In addition, millions of tons of oil-bearing shales located in the Western States have been discovered which may furnish billions of barrels of gasoline awaiting the proper refining process and better prices.

In an article discussing the New Oil Policy in the May number of Nation's Business, George Otis Smith, Director of the United States Geological Survey and former president of the American Institute of Mining and Metallurgical Engineers, in



estimating the natural resources with reference to our western lands, said:

The natural resources of these lands are estimated by the Interior Department to include 30,000,000 acres of coal lands containing more than 200,000,000,000 tons of coal; half a million acres of phosphate land that can supply 8,000,000,000 tons of this essential fertilizer as its needs on American farms are better realized; undetermined acreage of potash deposits; 65 developed oil and gas fields with an annual production of 33,000,000 barrels of oil; and 4,000,000 acres of oil shale from which possibly 60,000,000,000 barrels of oil can be extracted when prices warrant the higher cost.

There is no question but that substitutes will be found for gasoline in the near future. Within the last few weeks successful formulas for manufacturing synthetic gasoline have been discovered.

Mr. J. Edgar Pew, formerly president of the American Petroleum Institute, now president of the Sun Oil Co., said:

The oil industry, in the opinion of many, has more to fear in the future from competition either of by-products from substitutes or by the use of other sources of power not yet developed than it has from the exhaustion of the oil supply.

Mr. J. E. Eaton, a consulting geologist of national reputation, said:

Recent progress in geology and chemistry has shown our available supplies of oil are rapidly increasing, rather than decreasing, as the result of progress in the sciences, and most technicians have now stopped predicting the untimely exhaustion of oil.

Those who have made a careful study of the situation are not in sympathy with the fears of an exhaustion of the oil supply in our country.

#### PRICE OF GASOLINE ARTIFICIALLY CONTROLLED

It has been suggested by some that the imposition of a duty on oil of \$1 per barrel would raise the price of gasoline.

The fact is that the imported oil is of small gasoline content, and the amount imported in 1928 only refined 7,700,000 barrels of gasoline, being only 2 per cent of the amount produced in the United States for 1928, which is too small to affect the general price of gasoline throughout the country.

The gasoline content varies with the gravity of the oil from 12½ per cent of the lower gravity to around 43 per cent of the highest gravity.

A study of gasoline prices for the past few years shows that the price of gasoline is artificially controlled and that the price to the public was practically the same four years ago, when the price of oil was much higher. In 1926 gasoline was 21 cents per gallon when the imports of oil were negligible.

The price of oil in Oklahoma runs from 60 cents per barrel to \$1.44 per barrel. In Pennsylvania it runs from \$3.85 to \$4.10 per barrel, but there is no material difference in the price of gasoline; and the same is true of the near-by trade territories.

According to the Oil and Gas Journal of Thursday, April 11, 1929, the tank-wagon price of gasoline at Baltimore, the port of entry for much foreign oil, was 16 cents per gallon, including 2 cents State tax. In Pennsylvania and other points through which crude petroleum is not imported the price ranges from 14 to 19 cents per gallon, as against 16 cents at Baltimore.

The same is true of the other ports of entry for imported gasoline. There is no material change in the tank-wagon price. There is not much difference now in the price to the consumer, than in 1926.

The last records show that there are approximately 485,000,000 barrels of oil in storage, which shows an increase in the amount in storage since January 1, 1929.

The production in Venezuela increased 67.9 per cent in 1928 over 1927, and the importation of oil, according to the Alexander Hamilton Institute, is increasing, and the amount estimated to be imported for 1929 is 100,000,000 barrels.

It costs the Mid-Continent oil producers in Oklahoma 96 cents per barrel to pipe crude oil from Oklahoma to the refinery at Bayonne, N. J. It is reported that this approximates the amount that imported oil is sold for which is produced in Venezuela, Mexico, and Colombia, and therefore it is urged that \$1 per barrel would be a reasonable protection for the oil industry in the United States against that produced by cheap labor and material in foreign countries.

#### AN ISSUE IN 1928 CAMPAIGN

Representing the administration, Senator Curtis, then the nominee of his party for Vice President during the campaign last year, committed the administration to a policy of protec-

tion on oil. On September 27, 1928, Senator Curtis, in Oklahoma, advocated a tariff in the following language, as shown by the following published quotation from his speech:

Our Democratic friends favor a competitive tariff. That will not help a single farmer in this country, not a workman in this country, not a single oil producer, not a manufacturer of goods. The Republicans are opposed to a competitive tariff and favor a protective tariff.

In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels, and you would not have to shut down production here.

We are only urging now that this campaign pledge be kept, and we insist that the oil industry is entitled to this protection, and we hope that before the final passage of this bill that this industry will be suitably recognized and the modest tariff duty of \$1 per barrel be imposed upon the oil imported into this country.

We earnestly joined in urging the Ways and Means Committee to report a tariff of \$1 per barrel on oil. The Republican members in executive session, excluding the Democratic members, prepared the tariff bill and reported it to the House. An opportunity was given and we appeared a second time before the Republican members of the Ways and Means Committee before the bill was reported and made a plea for a tariff on oil, but it was refused.

When the bill was reported to the House by the Republican members of the Ways and Means Committee it was taken up under a special rule which had the effect of not permitting any Member other than a member of the Ways and Means Committee from offering an amendment to the bill. I voted against this rule. No Member who voted for the rule should be heard to complain when he knew by voting for it that he tied his hands from even proposing an amendment for a tariff on oil. Only some 8 or 10 pages of the 432 pages of the bill were read and considered and no opportunity therefore was given to present an amendment to the full membership of the House for a tariff on oil. These are the undisputed facts which the people interested in the oil industry should know. [Applause.]

#### THE TARIFF BILL

Mr. HASTINGS. Mr. Speaker, this bill is to be known as "the tariff act of 1930." Unfortunately many of the people of the country do not fully understand just what a tariff is. A tariff is a duty or a tax levied on imports into our country. It is a tax that the consumer has to pay, because it is added to the increased cost of the goods which he purchases. Of course, if no merchandise or other products are imported into the country no tax is collected.

#### ARGUMENTS FAVORING TARIFF REVIEWED

It was once a favorite argument that the foreigners paid the tax, and many people throughout the country were deceived by the ingenious arguments advanced in support of that theory. Of course, no one any longer advances such a theory and we wonder that anyone could ever have been deceived by it.

The next argument is that the tariff is for the benefit of the laboring man, and much stress is laid upon the difference between wages at home and abroad, and this theory is played overtime for the benefit of the manufacturer.

Statistics show that the laboring man gets a very small per cent increase in wages because of the advanced prices and that the manufacturer is by far the greater beneficiary.

The Associated Press, in March, 1929, carried the following statement:

The Treasury expects the March 15 income-tax returns to show that at least 14,000 persons in the United States are worth a million dollars or more. The figure was arrived at from a study by Joseph S. McCoy, chief actuary.

And in another news item of March 29 the Associated Press carried the following:

Approximately 300 citizens of the United States paid taxes on incomes of a million dollars and over for the year 1928.

Four hundred and ninety-six paid on incomes of \$1,000,000 or more in 1929.

None of these, of course, were of the laboring class. Most of them gained their very great wealth by reason of special-privilege legislation, such as the tariff. In contrast with these enormous incomes the average income of the farmer is \$717, and \$630 of this is deducted for the living expenses of himself and family,

leaving the remainder of \$87 for the education of his children, recreation, and other family expenses.

In a recent issue of a Washington paper an assistant librarian insisted that her salary of \$1,644 per annum was \$47 less than her necessary living expenses. The average wages of clerical and industrial workers in the East is given at \$1,415. They work 8 hours each day. The farmer works on an average of 12 hours each day and his income includes the services of all the members of his family.

The truth is the manufacturer gets the major benefit from special-privilege legislation and reluctantly gives the smallest percentage of the profits wrong from him by the urgent demands of the laboring man assisted by union-labor organizations. This is illustrated by the sugar-beet producers in the Western States. The testimony shows that the cheapest kind of Mexican, Japanese, and Russian labor, and the labor of children, are used in beet cultivation, yet when a raise in tariff is asked the argument is used that it is for the benefit of the laboring man.

It was argued that the tariff does not raise the price to the consumer. All sorts of specious arguments are used and figures juggled in an attempt to deceive the public. The complete answer to this argument is, however, if the tariff does not permit the manufacturer to raise the price of his goods to the consumer, why does he want an increase in tariff duties? No one can satisfactorily answer this question without admitting that it is for the purpose of enabling the manufacturer to advance the price of his goods, and the consumer, of course, means every purchaser of goods upon which there is a tariff duty, and includes the great mass of the people of our country—the farmer, the laboring man, the small business man, the professional man, and, in fact, every citizen of the Nation contributes to the beneficiaries of special-privilege legislation.

I have never cast a partisan vote on a legislative question since I came to Congress. I am not here to fight sham battles, but to render constructive service. In reaching a decision upon any question coming up in Congress for consideration I remind myself that I am representing a congressional district and, in part, a great State, and I ask myself how the solution of this question will affect the people whom I have been privileged to represent, and without thought of party advantage I use my best judgment in casting my vote as I believe it is for the best interests of those whom I represent. [Applause.]

#### CONGRESS CONVENED TO ENACT FARM RELIEF LEGISLATION

This Congress was convened in extra session for the avowed purpose of enacting farm relief legislation. It was urged that this was to be accomplished through a series of bills. One was to create a Farm Board to assist the farmer in marketing his crops to enable him to secure a better price, and that bill has passed and the board has been appointed and the country has suspended judgment in order that the board may be given a fair trial in its efforts to administer the law to the advantage of the farmers.

The second method of relief was to be through a "limited revision" of the tariff. Others soften the expression by using the word "readjustment" of the tariff.

This bill proposes the highest rates of any that was ever introduced. If this bill is a "limited revision," it is in the sense that the sky is the limit.

#### PARTY PLEDGES QUOTED

We heard much during the campaign of how the tariff would benefit the farmers of the country. Glittering generalities were always used. The platforms of both parties, however, favored placing agriculture on an "equality with industry."

The Republican platform said:

The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Mr. Hoover, in his speech of acceptance, in commenting upon the platform, said:

Its object is to give equality of opportunity to the farmer.

And the Democratic platform contained the following statement:

Therefore we pledge that in its tariff policy the Democratic Party will insist upon equality of treatment between agriculture and other industries.

In his message to this Congress, President Hoover said:

I have called this special session of Congress to redeem two pledges given in the last election—farm relief and limited changes in the tariff.

Mark the use of the word "limited."

And, quoting further from the message:

The general result has been that our agricultural industry has not kept pace in prosperity or standards of living with other lines of industry.

With these platform pledges and declarations of the President I find myself in entire agreement. I favor and would support a well-balanced, moderate tariff bill which would produce revenue and at the same time protect the home market against competition of foreign goods produced by cheap labor. The bill should not be sectional nor discriminatory and the duties should not be prohibitive, amounting to an embargo in the interest of monopolies, and should be so drawn that the lowest duties are imposed on the articles necessary to be purchased by the great mass of the consuming public. [Applause.]

#### HOW WILL THE BILL AID THE FARMER?

There are two ways to help the farmer. First, you must either assist him to secure a better price for the products he raises, or second, lower the cost of the necessities he must buy, so as to increase the exchange value or purchasing power of the commodities he produces. This bill does neither, as I will attempt to show.

Now, let us examine this bill with a view of finding out its benefits to the farmer and the small consumer. Everyone concedes that the farmer is depressed. That he has lost in the depreciation of farm lands and in the value of farm products approximately \$30,000,000,000 must be conceded. That more farm lands are being sold for taxes than ever before in the history of the country the records verify. No one disputes that business failures and bankruptcies have been very large in the agricultural States, and that the very great number of bank failures in the Middle West are the result of the depressed condition of agriculture.

Everyone recognizes the hazards of the farmer, which includes weather conditions in the spring when he is busy preparing his ground for the planting of crops, subsequent droughts, and the appearance of pests and insects of all kinds which either destroy or reduce the crop yield.

Since the debate has opened upon this bill in the House nearly all the time consumed in the argument has been on the increases in the duties on manufactured products, which increases the burden instead of lightening the load of the farmer. In other words, it increases the price of the necessities which the farmer must buy.

#### TARIFF INEFFECTIVE ON MAJOR AGRICULTURAL CROPS

Let us examine the major agricultural products—wheat, corn, and cotton. Does this bill aid those products? You can not better the farmer's condition by making a gesture of penny protection dropped into one pocket, which is not effective, and at the same time through special-privilege legislation for the manufacturing class, filch from him ten times as much additional for the necessities which he must pay.

The duties you place upon wheat and corn are ineffective because, as to these two crops and as to cotton, we regularly raise an exportable surplus and we are seeking foreign markets for these products, whereas a tariff is a duty or tax imposed upon those products imported into this country.

#### TARIFF DOES NOT MATERIALLY AFFECT PRICE OF WHEAT

Take wheat as an example. The tariff placed upon wheat in the pending bill is 42 cents per bushel. That is the present tariff rate. It is ineffective to aid the wheat grower. It does not raise the price of wheat. Congress enacted the emergency tariff act of 1921 with a tariff of 30 cents per bushel upon wheat, and it continued to decline. We produced in the calendar year of 1928, 902,749,000 bushels of wheat, and in 1929, 806,508,000 bushels. We exported in the fiscal year 1928 wheat and flour equivalent to 206,258,610 bushels of wheat. We export annually a large quantity of wheat and wheat products. No tariff is effective on those products where we regularly raise an exportable surplus. That was frankly admitted in the debate on the farm bill in the Senate. The Senators representing the wheat States, almost with one accord, admit that the tariff on wheat is ineffective. That was the reason why they voted for the debenture amendment.

In the calendar year of 1928 we exported to Canada 37,173,442 bushels of wheat and imported 18,847,660 bushels. Of this amount duty was only paid on 200,886 bushels—amounting to only one-fortieth of 1 per cent of the wheat we produced—and the remainder of 18,646,774 bushels was milled in bond and immediately removed from the United States, and therefore did not come in competition with our wheat.



In 1929 we imported from Canada only 37,231 bushels of wheat upon which duty was paid, or only one two-hundredths of 1 per cent of the wheat we produced.

This shows that the price of wheat was better in Canada than in our own country. Otherwise the wheat would have been sold in our home market. Canada imposes no tariff on our wheat. If Canada had a tariff, it would have destroyed a market in 1928 for 37,173,442 bushels of our wheat. In 1929 we exported to Canada 23,068,068 bushels of wheat.

The tables inserted (by Mr. CANNON) in the CONGRESSIONAL RECORD, pages 1871 and 1872, show that from March 1, 1928, to May 21, 1929, wheat each day was higher in Canada than in the United States. And this has been true every day since.

In times of local shortage this tariff may be effective on wheat along the Canadian border as to certain grades of hard wheat, but it is ineffective to raise the price of wheat generally. Because of transportation charges we do not compete with Canadian wheat in Oklahoma and the interior. Wheat is at present lower on the Chicago market, ranging around \$1.03 per bushel, than it has been since 1914. Yet the Tariff Commission raised the duty on wheat from 30 cents to 42 cents, and that remains the duty carried in the pending bill.

In my judgment, to recapitulate, there are five unanswerable arguments why a tariff on wheat, or any other agricultural products of which we regularly raise an exportable surplus, is of no benefit to the farmer.

First. The surplus controls the price and that is governed by the world market. If the Liverpool price determines the price at home, it makes little difference whether Canadian wheat is shipped direct to Liverpool or through the United States.

Second. A duty of 30 cents per bushel was imposed by the emergency tariff act of 1921 and later increased to 42 cents, and the price of wheat continued to decline.

Third. In 1928 we exported two hundred times as much wheat to Canada as we imported.

Fourth. If the advocates of a duty are sincere in the belief that a tariff will aid wheat in its depressed condition, why do not they increase the duty on wheat?

Fifth. Why do practically all Senators from the wheat-growing States of the Middle West and Northwest favor the debenture plan which would insure them only 21 cents per bushel, or 50 per cent of the duty of 42 cents per bushel on wheat, if the tariff is effective to give them the benefit of the full duty?

There is no economist in the country whose opinion is worthy to be quoted who holds that a tariff is effective on those agricultural products of which we regularly raise an exportable surplus.

#### DUTY ON CORN IDEL GESTURE

This bill raises the duty on corn from 15 cents to 25 cents per bushel. Surely the corn producer is not going to be deceived by this gesture. Everyone knows that if this duty were raised to 50 cents per bushel it would be of no practical benefit to the corn producer. We exported in the calendar year of 1928, according to report of Department of Commerce, 25,798,949 bushels of corn and only imported 565,228 bushels. We produced in the calendar year of 1928, 2,839,959,000 bushels of corn, and the imports of corn therefore were only one-fiftieth of 1 per cent of the corn produced, and if all of it were excluded it would not affect the price of corn. In 1929 we produced 2,622,189,000 bushels and only imported 407,085 bushels.

The truth is, I do not see how anyone can be bold enough to attempt to argue to the farmers of the country that an increased duty of 10 cents per bushel on corn will enable the corn producer to secure more for his product. If it would, why not increase it to 50 cents per bushel, because the corn farmers of the Middle West have been suffering from the depression common to the other agricultural products. The Tariff Commission could at any time have raised the duty 50 per cent with the approval of the President.

Anyone who argues to the contrary, I respectfully submit, qualifies himself for admission to a mental clinic.

#### FOREIGN MARKET NECESSARY FOR COTTON

Now, let us take cotton. We exported in 1927, 9,478,000 bales of cotton. In 1928 we produced 14,296,549 bales and exported 8,546,419 bales. In 1929 we produced 14,545,000 and exported 7,580,383 bales. Prior to 1922 there was a duty on long-staple cotton or sea-island cotton. A duty on this one and one-eighth staple is restored. Very little of this kind of cotton is grown in this country and none whatever of this staple in my State of Oklahoma. Of course, a tariff on the ordinary cotton, such as we grow in Oklahoma, could not be of any possible benefit

in securing a better price for cotton when we regularly export from 60 to 70 per cent of the cotton grown in this country.

We import little if any cotton that comes in competition with the ordinary cotton grown in this country. All of the cotton imported is a special long-staple cotton used principally in the automobile industry, in tire fabrics, and for the making of thread. Every farmer knows that the price of cotton is governed by the price at New Orleans and New York and that price is governed by the quotations from Liverpool. The cotton producer is seeking a better foreign market for his product, but he knows that an import duty on cotton of 50 cents per pound would be of no benefit whatever. If, however, there should happen to be a shortage in the crops of either wheat, corn, or cotton, and the price of either should advance, then you would hear vociferous claims resounding from every political platform that it was because of the duty, but if the crop productions are normal or the price continued depressed or declined, as it did after the emergency tariff act of 1921, you would hear nothing about the effectiveness of the tariff duty.

It is no wonder then that those who talk of benefiting the farmer through tariff "readjustments" use general terms and do not discuss the major crops of corn, wheat, and cotton.

#### COST OF LIVING RAISED

Time, of course, will not admit of anything like a general analysis of this bill. This bill raises the cost of living to the consumer without giving him any of the compensating benefits.

#### DUTY ON SUGAR ADVANCED TO 3 CENTS

Now, let us take sugar as an example. In 1924 the Republican Tariff Commission recommended a reduction of the tariff duty on sugar from 1.76 to 1.50 cents per pound. The election was pending and the President, in order not to offend the public, withheld action on the recommendation of his own commission until after the election and then declined to follow the recommendation and refused to lower the duty on sugar.

This bill increases the duty from 2 cents to 3 cents per pound on sugar, and to that extent places an additional burden upon the breakfast table of every family in America. There is a differential of 20 per cent in favor of Cuban sugar, making the rate on Cuban sugar 2.40 cents per pound. We use approximately 12,000,000,000 pounds of sugar each year and import the most of this. The average amount consumed annually by each person is 109 pounds. This bill makes an ineffective gesture to appease the wheat and corn producers, which is of no benefit to them, and at the same time exacts an additional contribution for the benefit of the Sugar Trust from every consumer in the country. [Applause.]

Now, upon this question I ask myself how would the people whom I have the honor to represent have me vote? I do not believe 1 per cent of the people of my district in Oklahoma would favor this increased tariff duty on sugar.

#### DUTY ON SHINGLES 25 PER CENT

Let us take another example—shingles. This bill places an additional duty of 25 per cent on shingles for the benefit of the Lumber Trust. But few houses and barns are now being built in this country. The cost of lumber is almost prohibitive. You make the idle gesture of helping the farmer, which, as I have attempted to show, is ineffective, and you increase his burden every time he buys a bunch of shingles to cover or repair the roof which shelters himself and his family. Surely the people of the country will in time analyze the additional burdens in this bill and will appreciate that no compensating benefits are given to them and will denounce it because it is not farm relief legislation but is enacted for the benefit of the industrialists of the East. [Applause.]

#### DUTY ON PIG IRON FAVORS STEEL TRUST

As another illustration, take pig iron. The present duty is retained in the bill. In 1928, upon the recommendation of the Tariff Commission, the President raised the tariff on pig iron 50 per cent. This increased the burden of the farmers who use wagons, cultivators, plows, and all kinds of farming implements in which iron or steel is used. You seldom see a new wagon now. It sells for twice as much as it did in 1914. The same is true of cultivators, rakes, plows, and all other farm implements.

It is frequently urged that farm implements are on the free list, but the farmers are not told of the very high and excessive rates which are placed on pig iron and other materials which go to make the farming implements which he must produce.

Let me repeat, that an idle gesture is made to deceive the farmer with a duty on corn and wheat, which is ineffective, in order to place an additional burden upon him for the necessities which he must buy.

## BRICK AND CEMENT PROTECTED

Let us examine the brick and cement schedules; both have heretofore been on the free list. A duty of \$1.25 per thousand is placed upon imported brick and 30 cents per barrel on cement. Both are in common use. Brick is in general demand about the farm in the building of chimneys and flues and other uses. Cement is a necessity for road and bridge building, and there is hardly a farm throughout the entire country that does not find use for cement for foundations, sidewalks, silos, cellars, and innumerable other things. A duty on neither of these necessities can be justified. Neither is in the interest of the farmer.

## DUTY ON WOOL EXCESSIVE

Take wool for another example. The duty carried in this bill is increased and exceptionally high, for the benefit of the wool-grower, and as a result the consumer—the farmer, laborer, and every wearer of woolen goods—must pay an additional price for the clothing which he and the members of his family wear.

Next turn to the rayon schedule. This is commonly known as artificial silk and is used in the manufacture of clothing and articles of wearing apparel of every description, handkerchiefs, gloves, hose, underwear, and innumerable other articles purchased and in common use by those who can not afford to buy the higher-priced articles made of silk, and this is taxed from 45 per cent to 65 per cent ad valorem and as a consequence imposes a heavy financial burden upon the consuming public.

## SHOE SCHEDULE

Let us next examine the shoe schedule. Shoes heretofore have been upon the free list. Everyone knows that shoes now cost the consumers approximately twice as much as they sold for during the pre-war days. Shoes are a necessity and must be bought and worn by every man, woman, and child in the country. A duty or tax varying from 20 per cent to 35 per cent ad valorem on boots, shoes, or other footwear is imposed.

All leather used for the making of saddles and harness, and various other articles in general use, including a 20 per cent tax on leather used in the manufacture of footballs and basketballs, is included in the bill.

The same argument could be used on practically all of the necessities which the consuming public use.

I have cited only a few cases for the purpose of illustrating my argument. The reported bill consists of 434 printed pages. There are literally thousands of items protected by an excessive duty which compel the consumer to pay tribute to the industrialists of the East. It is to be considered in the House under a special rule which will not permit amendments to be offered to correct these abuses. If the law required a stamp or tag to be placed upon each article sold indicating the increased cost to the consumer of each article purchased because of the tariff duty, it would so arouse the masses as to result in a political revolution that would drive the advocates of special privilege from power. As it is, the people are not aware of the additional amount they pay because of this special-privilege legislation.

The investigation of the Pennsylvania election in 1926 disclosed that JOSEPH GRUNDY, president of the Manufacturers' Association, had collected from his associates and contributed \$300,000 to the campaign fund in that State. This was an investment and it was expected to be fully returned to the beneficiaries who contributed through special-privilege legislation such as is reported in this bill.

No compensating benefits are given the farmers by this bill. The tariff duties are only gestures and are placed upon products of which we are raising an exportable surplus and for which we are forced to find a foreign market. The farmer must sell his products in an open market, whereas he buys in a highly protected market, which is nothing more than special-privilege legislation for the benefit of the few. [Applause.]

## FOREIGN MARKET NECESSARY FOR OUR SURPLUS PRODUCTS

In order to have a foreign market for the surplus farm products we must exchange our products for those manufactured and produced in other countries.

Our total imports for the year 1928 amounted to \$4,091,120,000 and our total exports were \$5,129,809,000.

This is well illustrated in our trade with Canada for the year 1928. Our imports from Canada were \$498,999,000 and our exports for 1928 were \$916,156,000.

If prohibitive tariff rates are placed upon the things we manufacture, which practically amount to an embargo, foreign trade will be diverted elsewhere and our foreign market for agricultural products will be measurably lessened and endangered.

You heard much said during the campaign about the wonderful prosperity of the country and of the enormous profits being made, and this is reflected in the income-tax reports, where individual income taxes of \$882,727,113.64 and corporation income taxes of \$1,291,845,289.64 were reported for the year 1928, or a total amount of \$2,174,543,102.89.

Contrast these same beneficiaries of special-privilege legislation appearing before the Ways and Means Committee, and with crocodile tears pleading for higher rates, urging upon members of the committee and Congress that their companies are on the verge of bankruptcy.

I wonder where all those 14,000 millionaires, reported by the Associated Press, were during these hearings?

That is what is the matter with the people in the great Middle West. They pay tribute to the industrialists of the East through special-privilege legislation.

The exchange value of the farmer's dollar is reported to be worth 60.3 cents. In other words, he lost 39.7 cents to the industrialists of the East through the exactions of special-privilege legislation. The farmer gets no compensating benefits.

The duties collected because of the tariff last year amounted to \$565,501,000. All of this was passed on to the consumers by adding it to the price of the goods, plus an additional per cent profit on the investment.

Nearly all tariff rates are raised in the pending bill. Heavier burdens are to be imposed upon the consumer. Tariff duties in favor of the manufacturer are effective. A tariff wall to the extent of the duty is raised. But that is not all. Some of these tariff rates are prohibitive and amount to an embargo against the importation of foreign goods. That done, the comparatively few concerns manufacturing any particular commodity, through mutual understandings in conventions and conferences, advance the price not only to the extent of the tariff but as much higher as the consumer can be induced to pay.

There are engaged in the manufacture of steel only 20 concerns. Straw hats are manufactured by 19 companies. Only one company produces aluminum. The same is measurably true of practically all domestic companies and corporations manufacturing any particular commodity in the United States.

We impose a tariff duty on every article worn by the baby in the cradle, including dolls and toys, follow it every step through life, and finally to its last resting place, and impose a duty on the tombstone that marks the grave.

It would require a prodigy in memory to retain the thousands of items protected by a duty in this bill and the rates on each.

With foreign competition excluded it is much easier for domestic companies and corporations to divide territory and come to understandings with reference to the production, distribution, and prices of their commodities. As a result these companies, protected by high tariff rates, are in a highly prosperous condition through tribute collected by special-privilege legislation from the consuming public.

It is urged, however, that the compensating benefits he receives are that as the industrialists of the East are made more prosperous a better and broader market is afforded for the things which the farmers of the great Middle West and South produce.

Well might the argument be made that if legislation were enacted which would be of compensating benefit to the farmer, that a better market would be created among those who live in the agricultural sections of the country for the manufactured products which the industrialists produce. I have no confidence in the soundness of the argument advanced that in order to make one more prosperous you should tax him more through tariff legislation which would compel him to pay more for the necessities which he and the members of his family must buy. [Applause.]

## ONLY REPRESENTATIVES OF SELFISH INTERESTS HEARD

The chairman of the Committee on Ways and Means [Mr. HAWLEY] stated the theory upon which this bill was constructed. He said:

Whenever we found that people operating under any paragraph or item on both sides—that is, both the American and the foreign competitors—found no complaint, it was held as evidence that particular paragraph or item was serving its purpose.

That statement admits the charge that the great consuming public was not represented in the hearings before the committee.

If the manufacturers and the importers agreed, the duty on any particular paragraph or item was not disturbed.

It was the duty of the committee to represent the consuming public and not permit the manufacturer and the importer to agree on special-privilege legislation. You may search every



paragraph of the bill and you will find that the public, the interests of the plain people of the country, were not represented before the committee in the drafting of this bill.

#### THE TARIFF COMMISSION

We appropriated for the fiscal year of 1930 the sum of \$789,000 for the Tariff Commission. This commission was created a number of years ago, with six members, and was established for the purpose of removing the tariff question from partisan politics.

The country hoped that men of very high character and of outstanding ability and independent thought would be placed upon the commission and that the findings of the commission would be of such a character as to commend them to the thoughtful people of the country.

The flexible provision of the tariff act authorized the President, upon the recommendation of the commission, to raise or lower the duty on any article by 50 per cent.

This commission investigated the duty on sugar. In 1924 pressure was brought to influence the commission's action. One of the members of the commission refused to disqualify and insisted upon voting on the sugar schedule notwithstanding that a member of his family was directly interested. Another Republican member, who favored a reduction in the tariff duty on sugar, was given a diplomatic appointment to Rumania, and finally a postponement of its report was urged upon the commission, and when it was finally made, action upon it by the President was withheld until after the 1924 election.

The truth is that this commission has been made a political football. The country has no confidence in its freedom of action nor in the independence of its decisions. The tariff is a political question and every member of the commission reflects his partisan views. It has reduced the duty on mill feed, phenol, paintbrush handles, and bobwhite quail. In all other cases where recommendations have been made the duty has been increased.

The tariff on pig iron was increased 50 per cent by the President in 1928 upon the recommendation of the commission, though the United States Steel Corporation declared a 40 per cent stock dividend in addition to the regular quarterly dividend and placed a comfortable sum to its surplus.

For these reasons I do not favor the Tariff Commission, and if given an opportunity I would vote to abolish it. [Applause.]

It is the commission before whom the special-privilege class may appear and present arguments for an advance of rates, which will increase the burden upon the people of the country, with no one to speak for the great mass of the people, just as was the case before the Committee on Ways and Means in the preparation of this bill.

I do not favor the delegation of this power to a commission. The Constitution (Art. I, sec. 8) places the responsibility upon Congress "to lay and collect duties, imposts, and excises." The Congress is the body directly responsible to the people.

This is not a "limited" revision of the tariff, as recommended by the President. He unquestionably intended a revision of those schedules in favor of depressed agriculture. This bill is a general revision upward of the tariff. The increased rates are higher than in any bill ever heretofore proposed. It will not aid the farmer.

As I have shown, the tariff as to the major crops of corn and wheat, with no duty on cotton, is ineffective. It will increase the cost of manufactured articles the consumers must buy and still further lower the exchange value of the farmer's dollar. It is inconceivable that the great mass of the consuming public, particularly those throughout the Middle West and South, including my own State of Oklahoma, can longer be deceived that the imposition of heavier tax burdens upon them in the interest of the industrialists of the East can be for their benefit. [Applause.]

This bill is considered under a special drastic rule which sets aside the general rules of the House and in effect denies the right of any Member, except members of the Ways and Means Committee, to offer an amendment to this 434-page bill. Every Member of the House who voted for the rule voluntarily voted to deny himself that privilege.

Experts estimate that this tariff bill will add more than \$1,000,000,000 burden upon the consuming public. It is the most iniquitous and most indefensible bill enacted for the special interests that was ever passed by Congress, and it may well be called the "Grundy bill."

In my candid judgment, if the citizenship of Oklahoma had the opportunity, free from partisanship, to carefully study and analyze the provisions of this bill increasing, as it does, the

burdens upon the great mass of the consuming public in favor of the industrialists of the East it would not meet with the approval of 1 per cent of the splendid citizens of my State.

#### SALARIES OF POLICE AND FIRE DEPARTMENTS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill S. 2370, to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, the Senate has just passed a bill (S. 2370) to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia. The bill is sponsored by the leading business men's organizations of Washington and has received the indorsement of the Federation of Citizens' Association, the Citizens' Advisory Council, and numerous civic associations. The bill is also strongly favored by the American Federation of Labor, the Washington Central Labor Council, and many other prominent groups.

The Senate committee that had the bill under consideration reported that it was strongly of the opinion that the salaries paid employees of the police and fire departments in the District of Columbia are woefully inadequate. Washington, although the thirteenth city of the Nation in point of population, pays its police and firemen less than a great many smaller cities. Most of the firemen and police of the Nation's Capital are married men with growing families. They entered the service of the city at a salary of \$1,800 a year. By remaining efficient workers, they may gradually attain the maximum salary for privates of \$2,100. Considering the unusual hazards of the position, the long hours of work, and the cost of supporting a family in decent living conditions this pay is obviously not commensurate with the service rendered. It is scarcely surprising in view of all the circumstances that the president of the Washington Central Labor Union, Mr. John Colpoys, at the subcommittee's hearing charged that police and firemen of this city are working at the various trades on their days off—they have one day off in seven, unless a state of emergency exists—and thereby depriving trades-union men not otherwise employed from a day's labor. This condition, in my judgment, unmistakably indicates an insufficient wage. It has been my experience that few men will work on their one day of rest each week unless there is a desperate need of money. The pending bill provides an entrance salary of \$1,900 a year and an annual increase of \$100 for five years or until a maximum of \$2,400 a year is reached.

I am quite sure that the Department of Labor recently issued a statement to the effect that it required something more than this sum to enable a wage earner to rear his family in accordance with American standards. And, Mr. Speaker, it is the duty of America and every part of America, governmentally and otherwise, to do that which will make for a wage that will enable Americans to live in accordance with those standards which make for decent boys and girls brought up in homes which they will love sincerely and not be ashamed of secretly.

The Federal Government, the States, and municipalities should pay wages and salaries that will stimulate private industry and thereby bring about the situation which is mostly to be desired for the welfare of our country. I know, Mr. Speaker, that when men receive a wage or salary which will enable them to educate their boys and girls and to have a home that makes for an attractive family life and surroundings, the members of that family feel that their country is really a great and splendid place in which to live. I know that that man and his sons are ready to answer the call of that country to defend its altars and firesides. I know they will fight to the death for the institutions of that country and the flag which symbolizes the hopes and the aspirations of the living. I know they will carry on for its future and will ever be mindful of these heroes whose graves are in every cemetery from end to end of the Republic, and be inspired by their patriotic deeds, for they fought the good fight and made our land what it is to-day. In other words, good wages make for decent individual and family life. Good salaries make for well-educated boys and girls that will adorn the homes of the working father. Good wages make for patriotism and love of country. Good salaries inure to the benefit of our industries, whose wheels are kept turning and revolving by the purchasing power of the toilers and wage earners of the Republic. Let us pass this bill, Mr. Speaker, when it comes up in the House. No taxpayer in the District has been heard to raise his opposition to it, and why should any voice be raised

against it. Do not the police and firemen protect the property of the citizen by day and by night year in and year out? Are not the police and fire department after all the local military establishment that guards the citizen and protects him in all of his rights. Mr. Speaker, while there are many piously inclined souls who believe that we could do without an Army or a Navy, I do not believe that anyone has yet reached the point where he is ready to suggest that we should be without a police and fire establishment in our hamlets, towns, and cities.

Of course, the Members of this Congress know from my many speeches that I am for ample preparedness and that I want your country's and my country's honor and her institutions guarded and protected by a Navy and Army that can meet any invader from across either one of the two great oceans. Semper paratus—all prepared—has been the song that I have sung early and late. I want our country to be so loved by all of her children, young and old, that when the bugle is blown again on some tremendous day that America, men and women, boys and girls, will stand out with one voice, as it were, and answer with the thrilling note of patriotism, "I am here." And keep in mind, my fellow Members of the House, the police and fire establishment of every city in the Union is really a part of the Military and Naval Establishments of the Nation, for they are for the protection locally of those American rights and property interests without which our country would not be. It might not be amiss for me to say here that one of the outstanding incidents of the World War was the noble manner in which the police and fire departments of Antwerp discharged their duty while it was under German bombardment, from which great fires spread, and when all of the other population had withdrawn from the apparently doomed city. They have done noble work in every city of the Union. They do not boast of their accomplishments. They let the records speak for them in the departments in which they serve. They are honorable men and will compare favorably with the members of every profession and vocation that makes up our life in America to-day.

But one outstanding fact in the history of the two great departments which protect our property and lives is that they are made up of men that are courageous and who are willing to pay the price of doing their duty with their lives whenever that price is exacted by the service whose uniforms they wear.

As Big Bill Devery said years ago, when he was chief of police of New York, and a member of the force did not assume the risk of stopping a notoriously bad man who was shooting his way down one of the streets of New York, "Get off this force. Nobody that wants to live forever can remain and be one of us." Anyone that wants to be a member of the police force or the fire department has to be of that courageous make-up which prompts him to instantly meet any danger and yield his life as a holocaust as it were to the needs of the city he serves. Such a police force, Mr. Speaker, and such a fire department is the boast of the city of New Orleans. Many of them have had their lives snapped asunder because of the faithful manner in which they met every emergency and answered danger's call. Many have made that sacrifice with bold, brave hearts and will continue to offer their lives when the necessity demands and requires such a sacrifice. Much the same can be said, I think, of every police and fire force in America. The Washington policemen and firemen are entitled to a just and a living wage. They should be given it not only in recognition of their services, but because it will establish that governmental attitude toward them which will have a beneficial and inspiring influence upon the States and cities that are unquestionably influenced by such Federal legislation.

Let us pass this bill, Mr. Speaker. It is far more important than it looks. It has far-reaching implications. Thousands of policemen and firemen all over the United States will be gratified at our favorable action on this bill. It will evidence to their mind that the Federal Government is glad to acknowledge the service, the courage, the heroism, and the patriotism of the gallant men who served in our police and fire departments.

#### LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. TAYLOR of Tennessee, on Monday and Tuesday, the 19th and 20th of May, on account of important private business.

To Mr. DRANE (at the request of Mr. DRIVER), for four days.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 134. An act authorizing an appropriation for the purchase of land for the Indian colony near Ely, Nev., and for other purposes; to the Committee on Indian Affairs.

S. 465. An act to give war-time rank to retired officers and former officers of the United States Army; to the Committee on Military Affairs.

S. 1406. An act for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Emil Kulchycky, Harold S. Stubbs, and the Bethel Cemetery Company; to the Committee on Claims.

S. 1792. An act to provide for the appointment of an additional district judge for the southern district of California; to the Committee on the Judiciary.

S. 1849. An act for the relief of Francis B. Kennedy; to the Committee on Claims.

S. 2043. An act to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes; to the Committee on Agriculture.

S. 3619. An act to reorganize the Federal Power Commission; to the Committee on Interstate and Foreign Commerce.

S. 3810. An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.; to the Committee on Military Affairs.

S. 4017. An act to amend the act of May 29, 1928, pertaining to certain War Department contracts by repealing the expiration date of that act; to the Committee on Military Affairs.

S. 4028. An act to amend the Federal farm loan act as amended; to the Committee on Banking and Currency.

S. 4030. An act to provide books for the adult blind; to the Committee on the Library.

S. 4096. An act to amend section 4 of the Federal reserve act; to the Committee on Banking and Currency.

S. 4108. An act to provide for reimbursement of appropriations for expenditures made for the upkeep and maintenance of property of the United States under the control of the Secretary of War, used or occupied under license, permit, or lease; to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 668. An act for the relief of A. J. Morgan;

H. R. 1251. An act for the relief of C. L. Beardsley;

H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;

H. R. 7768. An act to provide for the sale of the old post-office and courthouse building and site at Syracuse, N. Y.;

H. R. 9323. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 3498. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1930;

S. 4015. An act to provide for plant patents;

S. 4057. An act authorizing the Secretary of the Interior to extend the time for cutting and removing timber upon certain revested and reconveyed lands in the State of Oregon; and

S. J. Res. 163. Joint resolution to carry out certain obligations to certain enrolled Indians under tribal agreement.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:



H. R. 668. An act for the relief of A. J. Morgan;  
 H. R. 1251. An act for the relief of C. L. Beardsley;  
 H. R. 7405. An act to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries;  
 H. R. 7768. An act to provide for the sale of the old post office and courthouse building and site at Syracuse, N. Y.; and  
 H. R. 10171. An act providing for the erection at Clinton, Sampson County, N. C., of a monument in commemoration of William Rufus King, former Vice President of the United States.

## ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.) the House, under its previous order, adjourned until Monday, May 19, 1930, at 12 o'clock noon.

## COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative lists of committee hearings scheduled for Saturday, May 17, 1930, as reported to the floor leader by clerks of the several committees:

## COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

## COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

*For Monday, May 19, 1930*

## COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To license and regulate the business of making loans in sums of \$300 or less, secured or unsecured, prescribing the rate of interest and charge therefor and penalties for the violation thereof, and regulating assignments of wages and salaries when given as security for any such loans (H. R. 7628).

## COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

## COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

## COMMITTEE ON THE TERRITORIES

(10 a. m.)

To extend the duties and powers of the Bureau of Efficiency to include the governments of the insular and Territorial possessions of the United States (H. R. 11851).

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

471. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1930, amounting to \$40,000, to remain available until June 30, 1931, to enable the Chief Executive to continue the litigation in connection with the joint

resolution directing the Secretary of the Interior to institute proceedings touching sections 16 and 36, township 30 south, range 23 east, Mount Diablo meridian (H. Doc. No. 401); to the Committee on Appropriations and ordered to be printed.

472. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year 1931, amounting to \$17,640, for an additional amount for the enforcement of the grain futures act (H. Doc. No. 402); to the Committee on Appropriations and ordered to be printed.

473. A letter from the Acting Secretary of the Navy, transmitting a draft of a bill to amend section 300 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. S. 3298. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Evansville, Ind.; without amendment (Rept. No. 1470). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3421. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Choptank River, at a point at or near Cambridge, Md.; without amendment (Rept. No. 1471). Referred to the House Calendar.

Mr. BECK: Committee on Interstate and Foreign Commerce. S. 3422. An act to authorize the Tidewater Toll Properties (Inc.), its legal representatives and assigns, to construct, maintain, and operate a bridge across the Patuxent River, south of Burch, Calvert County, Md.; without amendment (Rept. No. 1472). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 3466. An act to legalize the water-pipe line constructed by the Searcy Water Co. under the Little Red River near the town of Searcy; without amendment (Rept. No. 1473). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. S. 3868. An act granting the consent of Congress to the Lamar Lumber Co. to construct, maintain, and operate a railroad bridge across the West Pearl River at or near Talisheek, La.; without amendment (Rept. No. 1474). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. S. 4157. An act to extend the times for commencing and completing a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; with amendment (Rept. No. 1475). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. S. 4196. An act to authorize the construction, maintenance, and operation of a bridge across the St. Francis River in Craighead County, Ark.; with amendment (Rept. No. 1476). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 10376. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; with amendment (Rept. No. 1477). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11636. A bill to grant the consent of Congress to the Highway Department of the State of Tennessee to maintain a bridge across Duck River on the Nashville-Centerville Road, near Centerville, in Hickman County, Tenn., and approximately 1,000 feet upstream from the existing steel bridge on the Centerville-Dickson Road; with amendment (Rept. No. 1478). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 11903. A bill granting the consent of Congress to the construction of a bridge across the east branch of the Niagara River; with amendment (Rept. No. 1479). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. H. R. 11933. A bill granting the consent of Congress to the construction of a bridge across the east branch of the Niagara River; with amendment (Rept. No. 1480). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 11934. A bill authorizing the Monongahela Bridge

Co. to construct, maintain, and operate a bridge across the Monongahela River at or near the town of Star City, W. Va.; with amendment (Rept. No. 1481). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 11966. A bill to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; with amendment (Rept. No. 1482). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 11974. A bill granting the consent of Congress to the Beaufort County Lumber Co. to construct, maintain, and operate a railroad bridge across the Lumber River at or near Fair Bluff, Columbus County, N. C.; without amendment (Rept. No. 1483). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 12131. A bill granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.; without amendment (Rept. No. 1484). Referred to the House Calendar.

Mr. DALLINGER: Committee on the Civil Service. S. 471. An act providing for a 44-hour week for certain Government employees; with amendment (Rept. No. 1498). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHMANN: Committee on the Judiciary. H. R. 12095. A bill to amend section 113 of the Judicial Code, as amended; with amendment (Rept. No. 1499). Referred to the Committee of the Whole House on the state of the Union.

Mr. KORELL: Committee on Foreign Affairs. H. R. 12348. A bill to provide for the partial payment of the expenses of foreign delegates to the Eleventh Annual Convention of the Federation Interalliee Des Anciens Combattants, to be held in the District of Columbia in September, 1930; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISH: Committee on Foreign Affairs. H. J. Res. 331. A bill relative to The Hague Conference on the Codification of International Law; without amendment (Rept. 1504). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BURDICK: Committee on Naval Affairs. S. 1638. An act for the relief of William Tell Oppenheimer, jr.; without amendment (Rept. No. 1485). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. S. 3566. An act authorizing the President to place Lieut. (Junior Grade) Christopher S. Long, Chaplain Corps, United States Navy, upon the retired list of the Navy; without amendment (Rept. No. 1486). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 2336. A bill for the relief of George D. Johnson; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6193. A bill for the relief of Sidney Morris Hopkins; without amendment (Rept. No. 1488). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 8936. A bill authorizing the promotion on the retired list of the Navy of Stuart L. Johnson, ensign; without amendment (Rept. No. 1489). Referred to the Committee of the Whole House.

Mr. COYLE: Committee on Naval Affairs. H. R. 9698. A bill to authorize Capt. W. H. Allen, United States Navy, to accept the decoration of the Order of the Bust of Bolivar from the Government of Venezuela; without amendment (Rept. No. 1490). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11160. A bill for the relief of James Golden; without amendment (Rept. No. 1491). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 5063. A bill for the relief of A. S. Phipps; with amendment (Rept. No. 1492). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 8253. A bill for the relief of Sterling S. Ball; without amendment (Rept. No. 1493). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 836. A bill to correct the military record of Shadrach Frank Foster;

with amendment (Rept. No. 1494). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 1526. A bill to change the military record of Thomas J. Hayden; with amendment (Rept. No. 1495). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 5519. A bill for the relief of Martin V. Day; without amendment (Rept. No. 1496). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 7229. A bill for the relief of James M. Ray; with amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 6194. A bill granting six months' pay to Arthur G. Caswell; with amendment (Rept. No. 1501). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 6817. A bill for the relief of Robert Bennett; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 7322. A bill for the relief of Charles L. Chaffee; with amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9358) granting a pension to Clara Shatlain, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DUNBAR: A bill (H. R. 12402) authorizing an appropriation for the rebuilding and improvement of Tenth Street, in Jeffersonville, Ind., where it abuts on the grounds of the Jeffersonville Quartermaster Depot; to the Committee on Military Affairs.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12403) to exclude intraterritorial transportation, traffic, and service in the Territory of Hawaii from the operation of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. LEAVITT: A bill (H. R. 12404) to amend the act of April 9, 1924, so as to provide for national-park approaches; to the Committee on the Public Lands.

By Mr. PARKER: A bill (H. R. 12405) to provide for the appointment of an undersecretary of commerce in the Department of Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. SELVIG: A bill (H. R. 12406) authorizing the free transmission in the mails of certain experiment-station articles; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 12407) to authorize the Commissioners of the District of Columbia to transfer certain lands to the Director of Public Buildings and Public Parks of the National Capital; to the Committee on the District of Columbia.

By Mr. CRAIL: A bill (H. R. 12408) providing for the presentation of congressional Philippine medals to certain officers and enlisted men who served in both the war with Spain and the Philippine insurrection; to the Committee on Military Affairs.

By Mr. GREGORY: A bill (H. R. 12409) to repeal the act entitled "An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi," approved April 11, 1928; to the Committee on the Public Lands.

By Mr. RANSLEY: A bill (H. R. 12410) to amend the last paragraph of the act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved May 26, 1928, pertaining to the acquisition of land in the vicinity of Fort Kamehameha, Territory of Hawaii, for aviation purposes; to the Committee on Military Affairs.

By Mr. STOBBS: A bill (H. R. 12411) to amend the national prohibition act as amended and supplemented; to the Committee on the Judiciary.

By Mr. SPROUL of Illinois: A bill (H. R. 12412) authorizing the Postmaster General to permit railroad and electric car



companies to provide mail transportation by motor vehicle in lieu of service by train; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMSON: Resolution (H. Res. 221) to authorize the Committee on Expenditures in the Executive Departments to investigate all leases for post-office buildings and commercial postal stations and substations, and for other purposes; to the Committee on Rules.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLACKBURN: A bill (H. R. 12413) for the relief of Joshua Standeffer; to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 12414) for the relief of Lewis Clark; to the Committee on Claims.

By Mr. BRIGGS: A bill (H. R. 12415) for the relief of the John Sealy Hospital at Galveston, Tex.; to the Committee on Ways and Means.

By Mr. BUCKBEE: A bill (H. R. 12416) granting an increase of pension to Mary A. Corwin; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12417) granting a pension to Sadie E. Yantz; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 12418) granting a pension to Rosa Underhill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12419) granting a pension to Quincy Scott; to the Committee on Invalid Pensions.

By Mr. GARBER of Oklahoma: A bill (H. R. 12420) granting an increase of pension to Love Sims; to the Committee on Invalid Pensions.

By Mr. HALL of North Dakota: A bill (H. R. 12421) granting a pension to Ella Ellis; to the Committee on Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 12422) for the relief of Robert Lee Greene; to the Committee on Claims.

Also, a bill (H. R. 12423) for relief of Vincent P. Rousseau; to the Committee on Military Affairs.

Also, a bill (H. R. 12424) for the relief of Joseph B. Ray; to the Committee on Military Affairs.

By Mr. LUDLOW: A bill (H. R. 12425) for the relief of William Jesse Cosbey; to the Committee on Naval Affairs.

By Mr. MARTIN: A bill (H. R. 12426) granting an increase of pension to Lavinia B. Simmons; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 12427) granting a pension to Emily F. Clark; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 12428) granting a pension to Bridget Keegan; to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 12429) granting an increase of pension to Maggie Schwab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12430) granting a pension to Larise May Abrams; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 12431) for the relief of Patrick Charles O'Hara; to the Committee on Naval Affairs.

By Mr. O'CONNOR of Oklahoma: A bill (H. R. 12432) granting an increase of pension to Elbert S. Francis; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12433) granting a pension to Abraham L. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 12434) granting an increase of pension to Lizzie H. Horner; to the Committee on Invalid Pensions.

By Mr. WIGGLESWORTH: A bill (H. R. 12435) granting a pension to Joseph Francis Murray; to the Committee on Invalid Pensions.

By Mr. WOLVERTON of New Jersey: A bill (H. R. 12436) granting an increase in pension to Mary T. Hardy; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 336) authorizing and directing the Comptroller General of the United States to reopen, adjust, and settle the accounts of the city of Baltimore for advances made by the city in 1863 for the construction of works of defense and for other purposes; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7278. Petition of citizens' joint committee on fiscal relations between the United States and the District of Columbia, urging

a return in appropriation practice to the 60-40 definite proportion appropriation plan as provided by existing substantive law; to the Committee on the District of Columbia.

7279. By Mr. BARBOUR: Resolution adopted by annual convention of the Woman's Christian Temperance Union, of Tulare and Kings Counties, Calif., urging passage of Senate bill 1468, placing tobacco products under the pure food and drugs act; to the Committee on Agriculture.

7280. By Mr. BLACKBURN: Memorial of the Federal Business Association, of Lexington, Ky., composed of supervisors of various governmental activities, condemning and remonstrating against the proposal to allow loan sharks to garnishee the salaries of Federal employees; to the Committee on the Judiciary.

7281. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Sioux Rapids, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7282. Also, petition of the Woman's Christian Temperance Union of Albert City, Iowa, requesting Congress to enact a law for the Federal supervision of motion pictures, establishing higher standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7283. By Mr. GARBER of Oklahoma: Petition of New England Retail Hardware Dealers' Association, urging consideration of House bill 11; to the Committee on Ways and Means.

7284. Also, petition of National League of Women Voters, Washington, D. C., in support of Federal program for maternal and infancy hygiene; to the Committee on Interstate and Foreign Commerce.

7285. By Mr. GRAHAM: Petition of Federal bar associations of New York, New Jersey, and Connecticut, favoring additional Federal judges throughout the country; to the Committee on the Judiciary.

7286. By Mr. KVALE: Petition of Litchfield Ministerial Association, Litchfield, Minn., regarding Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

7287. Also, petition of the Twin City Alumni Post, Scabbard and Blade, St. Paul, Minn., urging the passage of a bill to provide an increase of pay for Army and Navy personnel; to the Committee on Military Affairs.

7288. By Mr. LINTHICUM: Petition of Maurice Gregg and J. S. T. Waters, both of Baltimore, Md., urging defeat of any and all maternity bills; to the Committee on Interstate and Foreign Commerce.

7289. Also, petition of the Independent Retail Grocers' Association of Maryland, urging favorable action on Kelly-Capper bill; to the Committee on Interstate and Foreign Commerce.

7290. By Mr. MANLOVE: Petition of Thornton Burkley, box 1907, United States Soldiers' Home, Washington, D. C., and 31 other citizens of the District of Columbia, urging Congress to speedily pass the Manlove bill, H. R. 8976, for the relief of veterans and widows and minor orphan children of veterans of Indian wars; to the Committee on Pensions.

7291. By Mr. FRANK M. RAMEY: Petition of Emery J. Reish and other residents of Raymond, Montgomery County, Ill., urging the passage of House bill 3799, providing for a Lincoln memorial highway from Springfield, Ill., to Vandalia, Ill.; to the Committee on Roads.

7292. By Mr. RAMSEYER: Resolution of the Woman's Christian Temperance Union of Richland, Iowa, requesting the enactment of a law for the Federal supervision of motion pictures, establishing higher standards for production of films to be licensed for interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

7293. By Mr. ROBINSON: Petition signed by S. F. Hersey, president, and John W. Leavitt, secretary, of the Congregational Church Brotherhood of Cedar Falls, Black Hawk County, Iowa, urging that Congress take the necessary steps to insure the purchase of 20,000,000 bushels of wheat in America and to provide for its transportation and delivery to the famine-stricken districts in China; to the Committee on Appropriations.

7294. Also, petition signed by the president, Ester C. Harmon, and the secretary, Margaret Miller, of the Woman's Christian Temperance Union of Waverly, Bremer County, Iowa, which represents about 100 members, urging the passage of legislation

for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7295. Also, petition signed by the president, Maria Boehmann, and the secretary, Jennie Zimmerman, of the Woman's Christian Temperance Union, of Aredale, Butler County, Iowa, urging the passage of legislation for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7296. Also, petition signed by the president, Rose Wild, and the secretary, Emma Carvetti, of the Woman's Christian Temperance Union, of Cedar Falls, Black Hawk County, Iowa, which represents about 90 women, urging the passage of legislation for the Federal supervision of motion-picture films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

7297. By Mr. WIGGLESWORTH: Petition of Carrie F. Delano, of East Milton, Mass., and 700 residents of the fourteenth congressional district of Massachusetts, indorsing the bill for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

7298. By Mr. YATES: Petition of Arthur E. Brown, secretary B. R. C. A., 1624 Illinois Avenue, East St. Louis, urging passage of House bill 10343; to the Committee on Immigration and Naturalization.

7299. Also, petition of Roy D. Lindstrom, Rock Island, Ill., secretary Branch 292, N. A. L. C., requesting immediate action on bills H. R. 10343 and 6603, and the Dale bill, S. 15; to the Committee on the Civil Service.

7300. Also, petition of Nettie Ege, Rock Island, Ill., secretary to Ladies' Auxiliary No. 164, N. A. L. C., urging immediate action on House bills 10343 and 6603 and Senate bill 15; to the Committee on the Civil Service.